

**REGULATORY REFORM (HOUSING
ASSISTANCE) (ENGLAND AND WALES) ORDER
2002**

**HOUSING ASSISTANCE
POLICY 2016-19**



Housing Assistance Policy 2016-2019

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1 Introduction

- 1.1 This document 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 In addition it includes the provision of mandatory Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996 (as amended) and discretionary assistance under the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002.
- 1.3 It sets out the range of financial assistance that the Council will make available, together with the eligibility criteria and conditions that will be applied to each form of assistance.

2 Key Priorities and Aims of the Policy

- 2.1 Through the policy the Council will help improve the health, safety and wellbeing of residents in private sector housing within the Borough that are affected by poor housing standards or disadvantaged through social deprivation, disability and vulnerability.

The aims of the policy are:

- To help residents maintain their independence
- To help residents achieve better housing and living conditions
To help address housing need through better use of the private sector
- To work in partnership with Social Care and Health to reduce health related costs e.g. bed-blocking, care packages

3 Achieving the aims

- 3.1 The primary responsibility for maintaining private sector housing rests with the owners of individual properties. However, the Council recognises that some owners will not have the necessary resources to fully carry out this responsibility.

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Accordingly the Council through the work of its Private Sector Housing Team will offer practical, professional and impartial advice to ensure that the aims of the policy are met.

Assistance will be offered under five headings:

1. Mandatory Disabled Facilities Grants
2. Discretionary Disabled Facilities Grants
3. Home Improvements
4. Warm Homes
5. Home Safety

4 Links to the Council's Strategic Priorities

4.1 The Council's vision is of "An organisation that provides excellent public services, good value for money and effective community leadership". This Housing Assistance Policy plays an important role in meeting some of the Council's key priorities, namely:

- Health and Well Being
- Children and Young People
- Community Safety
- Housing

4.2 The Housing Strategy action plan sets out priorities and actions to tackle identified housing needs in the Borough. Some of these priorities will be delivered in part by this policy. These are:

- Private sector renewal and energy efficiency
- Assisting vulnerable households
- Addressing crime reduction

5 Funding and Resources to Implement the Policy

5.1 The net capital budget for funding works under the policy is set out in the Council's Capital Plan. It is anticipated that monies recovered under repayment conditions or any breach of conditions will be repaid into the Housing Assistance capital

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reserve budget thus allowing money to be “recycled”. The promotion of this policy and assistance available will be proportionate to the available capital budget.

With the exception of Disabled Facilities Grants, the amount of assistance given each year will be dependent upon the level of capital resources available for housing interventions through the Council’s Capital Programme. For Disabled Facilities Grants, the amount of assistance given each year will depend on the allocation received through the Better Care Fund. Mandatory grants will always be prioritised.

6 Policy Review and Monitoring

- 6.1 This policy will commence on the 1st September 2016. Outcomes from the Housing Assistance policy will be monitored on a quarterly basis.

7 Types of Assistance Available

7.1 Mandatory Disabled Facilities Grant

Type of Assistance	Mandatory Disabled Facilities Grant
Purpose/Key outcomes	A mandatory grant to enable people with a disability to continue to live independently in their own homes by funding adaptations needed to facilitate access to the property or its amenities; or to assist people to move to more suitable accommodation to meet their needs.
Eligibility Criteria (Applicant)	Applicant must be over 18 years of age with a ‘qualifying’ interest in the property as defined in the Housing Grants, Construction and Regeneration Act 1996. Applicant subject to a statutory test of resources unless the DFG is to meet the needs of a child with a disability.
Eligibility Criteria (Property)	The adaptation works need to be ‘reasonable’ and ‘practicable’ as defined in the Housing Grants, Construction and Regeneration Act 1996.

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Conditions	If the applicant is an owner occupier and their grant is over £5,000, the amount over £5,000 is repayable up to a maximum of £10,000 if the property is sold within 10 years of grant completion.
Maximum Assistance	Maximum £30,000 for adapting existing home or maximum £5,000 if providing funding to assist person to move to more suitable accommodation.

7.2 Discretionary Disabled Facilities Grant

Type of Assistance	Discretionary Disabled Facilities Grant (Urgent Hospital Discharge Grant)
Purpose/Key outcomes	A grant to enable people to continue to live independently in their own homes by delivering quick outcomes with a flexible approach.
Eligibility Criteria (Applicant)	Applicant must be over 18 years of age. Applicant must require works to their home to allow them to be discharged from hospital or prevent readmission as determined by a health professional. Other forms of funding have been fully investigated and exhausted.
Eligibility Criteria (Property)	Where the Private Sector Housing officer considers essential works are necessary to eliminate significant risks to current/future occupiers health and safety.
Conditions	Not repayable
Maximum Assistance	Maximum £5,000

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Type of Assistance	Discretionary Disabled Facilities Grant (Top up above mandatory limit)
Purpose/Key outcomes	A grant to enable people to continue to live independently in their own homes by allowing top up funding in cases of extensive works.
Eligibility Criteria (Applicant)	Applicant must be over 18 years of age with a 'qualifying' interest in the property as defined in the Housing Grants, Construction and Regeneration Act 1996. Applicant subject to a statutory test of resources unless the DFG is to meet the needs of a child with a disability. Other forms of funding have been fully investigated and exhausted.
Eligibility Criteria (Property)	The adaptation works need to be 'reasonable' and 'practicable' as defined in the Housing Grants, Construction and Regeneration Act 1996.
Conditions	Repayable on sale of property (owner occupier/landlord applications only)
Maximum Assistance	Maximum £30,000

Type of Assistance	Discretionary Disabled Facilities Grant (Removal of test of resources)
Purpose/Key outcomes	A grant to enable people to continue to live independently in their own homes with the provision of low level adaptations e.g. stair lift.
Eligibility Criteria (Applicant)	Applicant must be over 18 years of age with a 'qualifying' interest in the property as defined in the Housing Grants, Construction and Regeneration Act 1996.

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	<p>Applicant must require works urgently e.g. at risk of falling, end of life care.</p> <p>Other forms of funding have been fully investigated and exhausted.</p>
Eligibility Criteria (Property)	<p>The adaptation works need to be 'reasonable' and 'practicable' as defined in the Housing Grants, Construction and Regeneration Act 1996.</p> <p>The works must cost less than £5,000.</p>
Conditions	Repayable on sale of property (owner occupier/landlord applications only)
Maximum Assistance	Maximum £5,000

7.3 Discretionary Home Improvements Assistance

Type of Assistance	Home Improvements Assistance
Purpose/Key outcomes	<p>A discretionary assistance to reduce the risk of a fall in the home of a vulnerable person; prevent hospitalisation or re-housing by carrying out repairs or improvements to deal with significant risks to health or safety to allow a vulnerable occupant to remain in their home. To fund improvements to rental properties to prevent homelessness and allow the Council to discharge its homeless duties. To bring long term empty properties (empty longer than six months) back into use.</p>
Eligibility Criteria (Applicant)	<p>Applicant must be over 18 years of age.</p> <p>For owner occupiers or tenants with a repairing obligation in receipt of a means tested benefit, private sector landlords or empty home owners.</p> <p>Other forms of funding have been fully investigated and exhausted.</p> <p>Applicant not in Council Tax arrears.</p>

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Eligibility Criteria (Property)	The dwelling house must be at least ten years old. Where the Private Sector Housing officer considers essential works are necessary to eliminate significant risks to current occupiers health and safety or considers improvements are necessary to facilitate occupation to prevent homelessness.
Conditions	Repayable on sale of the property.
Maximum Assistance	Maximum £10,000

7.4 Discretionary Warm Homes Assistance

Type of Assistance	Warm Homes Assistance
Purpose/Key outcomes	A discretionary assistance to ensure that homes are adequately heated and insulated through provision of affordable efficient heating systems and appropriate insulation.
Eligibility Criteria (Applicant)	<p>Applicant must be over 18 years of age.</p> <ul style="list-style-type: none"> • Owner occupiers or tenants with a repairing obligation in receipt of an Energy Company Obligation (ECO) eligible benefit, OR • Owner occupier or tenant households with a repairing obligation who are eligible for Local Authority Flexible Eligibility ECO as defined by the Council's Statement of Intent published on our website, OR • Owner occupier over 65 years of age, living in a cold home who has one of the following medical conditions: cardiovascular, respiratory, pulmonary, mental health, disability, multiple long term conditions (including cancer) as

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	<p>confirmed by their health or social care professional, OR</p> <ul style="list-style-type: none"> • Owner occupier (or partner) living in a cold home and they have a serious long term health condition or they have vulnerable children with respiratory conditions living with them as confirmed by their health or social care professional, OR • Owner occupiers or tenants with a repairing obligation who live within an area being targeted by the Council for insulation improvements under Energy Company Obligation funding, OR • a private sector landlord working with the Council by accepting nominated tenants, OR • a private sector landlord undertaking heating or insulation works to improve the Energy Performance Certificate rating band from a F or G to a minimum band E and there is a Category 1 Excess Cold hazard under the Housing Health and Safety Rating System assessment under the Housing Act 2004. <p>Other forms of funding must have been fully investigated and exhausted.</p> <p>Applicant not in Council Tax arrears.</p>
Eligibility Criteria (Property)	<p>The dwelling house must be at least ten years old.</p> <p>Property fails to provide a reasonable degree of thermal comfort as defined under the Decent Homes Standard.</p>
Conditions	Repayable on sale of the property.
Maximum Assistance	Owner Occupiers - Maximum £10,000

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	For Private Landlords working with the council by accepting nominated tenants maximum funding is £10,000. For other Private landlords the maximum funding is 50% of the cost of eligible works (after subtraction of any ECO funding if applicable) up to a maximum of £5,000.
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7.5 Discretionary Home Safety Assistance

Type of Assistance	Home Safety Assistance
Purpose/Key outcomes	A discretionary assistance to reduce accidents, improve security and enable victims of domestic abuse to remain in their own home where it is safe to do so by providing advice, support and the installation of child safety and security equipment.
Eligibility Criteria (Applicant)	Applicant must be over 18 years of age. For owner occupier or private sector tenant who is vulnerable; or has been referred by crime prevention or health professional; or referred by a health visitor where property occupied by a child under the age of 5. Other forms of funding have been fully investigated.
Eligibility Criteria (Property)	Property identified as a risk by a trained assessor, health professional, Police, Community Safety Unit or health visitor.
Conditions	Not repayable
Maximum Assistance	Maximum £1,000

The definition of a means tested benefit includes State Pension Credit, Child Tax Credit, Income Related Employment and Support Allowance, Income Based Job Seekers Allowance, Income Support and Working Tax Credit.

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7.6 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 dwellings that fall outside of the Housing Grants, Construction and Regeneration Act 1996.
- b) Cosmetic repairs such as redecoration or cleaning
- c) Finishing DIY jobs started by the owner or others, unless there are extenuating circumstances
- d) Works which would normally be covered by a household insurance policy regardless of whether you have a policy or not
- e) Works which have already been completed.

7.7 The Council retains the right to apply a maximum amount payable in respect of individual approvals for assistance. The Council retains the right at any time to introduce a mechanism for further prioritisation of assistance under this policy to reflect budgetary requirements at the time.

7.8 Should any loan scheme cease and loans are no longer paid or are called in then any 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 Planning, Housing and Environmental Health.

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- 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.
- 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

9.1 Eligibility conditions

- 9.1.2 To make an application for housing assistance the eligibility criteria for the assistance must be met.
- 9.1.3 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 agreement to the housing assistance conditions and to repay the assistance if the 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

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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.

9.1.4 Where the dwelling to which an application relates is a shared ownership property, the applicant should, unless extenuating circumstances apply, have lived in the property for at least five years before the date of application for assistance. This does not apply to a disabled facilities grant.

9.1.5 Where the dwelling to which an application relates is a mobile home/caravan 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/caravan 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/caravan 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.

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

9.2 Payment conditions

9.2.1 Loan payments will be paid in accordance with the conditions detailed in any agreement with the Council and any loan provider.

9.2.2 The following conditions apply to ALL applications for assistance under this policy. The assistance will only be paid if:

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- a) Other sources of funding have been fully investigated, such as by Government funded schemes.
- 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.

9.3 Repayment conditions

9.3.1 Where indicated, those types of housing assistance that require repayment will be registered as a local land charge on completion of works. No interest on the original assistance will be charged. This will ensure that assistance is recycled to fund future assistance.

9.3.2 The following conditions apply to applications for assistance under this policy:

- a) If the Council becomes aware that the applicant(s) was not actually entitled to the assistance at the time when the assistance was agreed then no further payments of assistance shall be paid. The Council may demand re-payment of the assistance 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.

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- c) If an owner of the dwelling to which an application relates ceases to be the owner within the specified condition period the Council may demand repayment of the relevant amount of assistance that has been paid to the applicant.
- d) If the owner of the dwelling to which the application relates ceases to be the owner within the required condition period due to their death the condition period will continue to be in force, if the property is occupied by one of the beneficiaries.
- 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.
- f) Where the 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 Planning, Housing and Environmental Health 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.

9.3.3 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. This decision will be made by the Director of Planning, Housing and Environmental Health in consultation with the Director of Finance.

9.4 Other Conditions

9.4.1 The following conditions apply to applications for 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

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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 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.

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

9.4.3 Any assistance provided under this policy which is repayable on breach of condition 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.

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10.2 In addition, the Council works with a Home Improvement Agency service that can provide advice and assistance on improving/adapting homes to people aged over 55 and/or who are disabled. For more information please contact the Private Sector Housing team at the Council.

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 Planning, Housing and Environmental Health for his consideration and determination.

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

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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.
Comments on proposals for work provided by agents	When an agent sends plans and specifications for comment a response will be provided within 10 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 10 working days.