

**SOUTH RIBBLE BOROUGH COUNCIL**

**HOUSING ASSISTANCE POLICY**

**2014**

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This Housing Assistance Policy has been adopted by the South Ribble Borough Council (“the Council”) on ..... and comes into effect on .....

## Introduction

This policy has been developed and will be implemented in accordance with relevant Housing Acts and subsequent orders including provisions of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The policy reflects updated legislation and best practice as set out in documents such as:

- ‘“Delivering Housing Adaptations for Disabled People: A Good Practice Guide”, (CLG, 2006)
- “Home Adaptations for Disabled People. A detailed guide to related legislation and good practice (Home Adaptations Consortium)
- “Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing in an ageing society’ (CLG, 2008).
- Health and Housing Safety Rating System as defined in the Housing Act 2004

The policy replaces the following Council policies:-

Housing Improvement Policy 2004-2005	Approved 01.04.2005
Disabled Facilities Grant Policy April 2005	Approved 01.04.2005
Disabled Facilities Grant Policy May 2012	Approved 28.05.2012

## Context

The Council is the statutory Strategic Housing Authority. Although it has no stock of its own it has the responsibility for ensuring all housing in the borough, irrespective of tenure, meets the requirements of the Housing Act 2004 and other relevant legislation. Having high quality housing stock is fundamental to the quality of life and health and wellbeing of people and families in South Ribble.

## Principles of this Policy

The principal aims of the Housing Assistance Policy are:

- To assist and support owners and those who are responsible for the upkeep and maintenance of their homes.
- To have a commitment to improving housing quality in the borough across all tenures.
- To target assistance to tackle issues where it is most needed.
- To recognise that the housing stock of the Borough is a major public asset and this is the main reason assistance is offered, to protect this investment, rather than for short term gain to the owner.
- To acknowledge that financial considerations are crucial to the effectiveness and scope of the Housing Assistance Policy.
- Assistance is not just financial but also can be provided by advice.
- Enforcement action may be taken.

## **Housing assistance covered by this policy**

The Housing Acts and resulting orders gives Councils the power to provide assistance for the purpose of improving living conditions in the area. This power covers:-

- Adapting or improving living accommodation
- Repairing living accommodation

Assistance can be financial and through advice. The opportunity will be taken to secure funds to support the Council in delivering housing assistance. This includes government grants, national funding schemes and local arrangements through eg Supporting People.

Any financial assistance that the Council can offer for improving or adapting homes will have to meet relevant eligibility criteria and will ultimately be based on the availability of funding, the allocation of which the Council has the final decision on.

Any grant monies repaid to the Council, will be reinvested in the private sector housing capital programme to provide further assistance. Land charges may be imposed where relevant.

### **Targeted activity:**

The policy aims to assist some of the most vulnerable people and families within the borough. It will do this by targeting the following:-

- A. Properties that require improvements to energy efficiency.
- B. Properties that contain Category 1 hazards as defined in the Housing Act 2004.
- C. Properties that require adaptations (Disabled Facilities Grants)

### **A. Properties that require improvements to energy efficiency.**

The Council has been successful in the past in tackling the problems faced by people living in homes that are not energy efficient. In 2012 the Department of Energy and Climate Change published national results of authorities recording levels of insulated housing stock in their Boroughs. South Ribble was recognised as 4<sup>th</sup> highest in the country. This brings health and wellbeing benefits to families and also environmental benefits overall. With the continuing rise in fuel bills and the impact this has on many families lives, priority will continue to be given to this.

The Council will

- Review the Home Energy Conservation Act (HECA) plan on an annual basis. This plan contains our targets for reductions on carbon emissions and the actions that the Council will take to achieve this. This plan will be reported to Government once every two years to fulfil its statutory duty.
- The Council will continue to maximise external funding to deliver against this priority. Funding streams will change over time but current examples are :-
  - working with suppliers and installers, the Council will maximise use of Energy Company Obligation (ECO) funding to ensure the least energy efficient households benefit from the assistance.
  - Mobile homes are the most thermally inefficient properties and are heated by oil or electric which are expensive fuels. The Council works with local installers and utilise the Green Deal funding to insulate these homes which will make them easier to heat.

- Working with Lancashire County Council, the Council will work to attract external funding to reduce incidents of winter deaths and provide assistance in the winter months
- The Council will continue to monitor energy efficiency standards in Housing Association properties
  - The Council may take enforcement action.

## **B. Properties that contain Category 1 hazards as defined in the Housing Act 2004**

The Housing Act 2004 lists 29 hazards which may result in a Category 1 listing of a property. Category 1 is the most severe and is where the risk to the health of the people living there is substantial. Examples of what could result in a Category 1 hazard rating if the problem is severe enough are dampness, excess cold/heat: pollutants (e.g. asbestos, carbon monoxide), lack of space, security or lighting and poor hygiene facilities.

The Council has a statutory duty to act where it has knowledge of any Category 1 hazards which could damage the health of the inhabitants. This covers all tenures, and there are different ways in which the Council will discharge this duty.

In the case of Housing Association stock the Council places responsibilities on the Association to ensure its housing stock meets national standards.

The Council will help residents to reduce the numbers of properties with Category 1 hazards through :-

- Advice to landlords on how to meet their statutory obligations for the maintenance and improvement of their property.
- Provision of advice for tenants of Housing Associations and private sector rented housing.
- Signposting home owner occupiers to other advice and support services.
- Enforcement action may be taken.

## **C. Properties that require adaptations (Disabled Facilities Grants)**

The Disabled Facilities Grant (D.F.G.s) is a grant which is administered under the Housing Grants, Construction and Regeneration Act 1996. The Council has a legal duty to provide "reasonable and practicable" adaptations to houses to meet the care and mobility needs of those with disabilities. The Council recognises the importance this grant is to improving people's lives and the lives of the families which support them. Where residents have a disability we will work with them and other agencies to arrange adaptations or provide advice about moving to a more suitable home.

The detailed provisions relating to Disabled Facilities Grants are set out in Appendix 1 to this Policy. In particular this Policy changes the way the Council will deliver its Disabled Facility Grant. In March 2014 the Riverside Home Improvement Agency terminated its contract with Lancashire County Council. As a result the Borough Council has brought the service back in house. Where possible, processes have been streamlined with more accountability and transparency. The customer has more choice, and information on the process is more timely and customer friendly. The grant is targeted at those people and families in most need. There is a new relationship with Occupational Therapists with regular meetings and joint visits. This means that the Council's legal requirement to deliver works that are "reasonable and practicable" meet the needs of the customers.

Another significant change which has guided this new policy is in 2015/16 the government grant will be provided directly to upper tier authorities as part of a national review of Social Care legislation. The thrust of the legislation is to make people more responsible for choosing their care and support and the new proposals follow this ethos.

Interestingly, legislation covering responsibility for Disabled Facilities Grants has not changed. The Borough Councils are still responsible. Discussions are ongoing with Lancashire County Council (LCC). At this stage LCC are stating that the grant will be directly transferred to Borough Councils although, whether this situation continues in the medium/long term is unknown at the drafting of this Policy.

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## **Disabled Facilities Grant**

### **1. Regulatory Framework**

The Council will provide Disabled Facilities Grants in accordance with the provisions of the Housing Grants, Construction and Regeneration Act 1996 (The Act) as amended and associated legislation and guidance including:

- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (“The RRO”)
- Housing Renewal Grants Regulations 1996 as amended
- The Disabled Facilities Grants (Conditions Relating to Approval or Payment of Grant) General Consent 2008 (“The 2008 General Consent”)
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008

### **2. Eligibility for Grant Work.**

Legislation states that work for Disabled Facilities Grant must be “reasonable and practicable”. It gives Councils flexibility to define the works acceptable to meet local needs. The legislation also states the eligibility criteria for those in receipt of the grant

National legislation sets out the following:-

- The government sets the maximum grant available which is set at £30,000 inclusive of all charges and fees.
- All applications will be subject to a test of financial resources as set out in the provisions of legislation.
- The test will determine what amount, if any, the disabled occupants will have to contribute to the cost of the works.
- Where the adaptation is for a child or a young person there is no test of financial resource.

A person must be referred through the Occupational Therapist to be considered for a Disabled Facilities Grant.

#### **2.1 Local Eligible Works**

The legislation states that works undertaken must be “reasonable and practicable”. This will be determined by the Council. Eligible work will provide for one or more of the following purposes:

- To assist entry and exit from the property
- To aid access into and around the living areas, bedroom, kitchen and bathroom
- To improve or provide heating and/or light controls
- To make the dwelling safe for the disabled occupant and other person residing with him/her
- To provide access to and from the garden by a disabled occupant

Grants are available for removable items such as stair lifts and through floor lifts across all tenures, in conjunction with services offered by Lancashire County Council (LCC)

#### **2.2 Local Ineligible Works**

Grant will not normally be approved for certain types of works including the following:

- Provision of driveway for vehicles car port, garage, shed, storage for mobility scooters
- Provision of fitments in rooms eg built in wardrobes, storage units, cupboards etc
- Service contracts and insurance for lifts and other equipment

- Provision of new floor coverings or replacement of existing floorcoverings
- Provision of clothes drying facilities
- Provision of fixed or moveable changing tables
- Provision of treatment rooms or space for treatments
- Landscaping of garden or provision of access path or hard standing areas within garden
- Provision of external lighting
- Formation of bin storage area
- Provision or repair of garden fences and boundary walls

### **2.3 Local Grant Assistance**

Applicants are responsible for ensuring that they are able to fund their own contribution towards the cost of the works before a grant will be approved by the Council.

Grant will not be approved for any works which have been commenced before an application is approved.

No applications for a Disabled Facility Grant will be accepted where a grant has already been approved within the previous 3 years; the 3 years will start on the approval date of any previous grant.

Where architect or other fees are incurred in the submission of any grant application these will not be paid if the grant application is not approved.

The Council will not normally consider any extensions to a property where the existing footprint or layout of the dwelling, including outbuildings and garages, can be adapted or converted to accommodate the facilities required.

In all cases, including any extension, the Council will normally only fund the most cost effective and least disruptive works that meet the applicant's requirements.

Where an applicant has a preference or aspiration for work that is over and above those recommended or considered reasonable the applicant will be required to fund any additional costs themselves.

A scheme of adaptations must, in general terms, be reasonable, taking into account costs, building regulations and planning permission and the practicability of carrying out the works.

Where a scheme involves substantial structural alterations or extensions, officers should consider re-housing the applicant as an alternative where and if more suitable accommodation is available. The Council will seek to ensure that Housing Associations optimize the use of their stock in this way and offer priority to finding a more suitable property.

### **2.4 Local Conditions re Repayment of Grant**

In accordance with the provisions of "The 2008 General Consent", the Council may require repayment of a portion of the grant if the property is disposed of within 10 years of the certified date of completion by sale, transfer or agreement. This condition applies only where the grant recipient has an owner's interest in the property.

The amount that may be recovered is the amount of grant paid above £5000 up to a maximum of £10,000. Eg with a grant of £7500 the amount that may be recovered is £2500

In determining whether to reclaim an amount of grant the Council will take into consideration all relevant statutory provisions and the individual circumstances of each case.

The conditions for recovery of grant will be recorded as a Local Land Charge and will be binding on any person who for the time being is an owner of the property.

### **3. Priority for grants**

The Council will maintain an enquiry list of all Occupational Therapist referrals. These shall be prioritised by the Occupational Therapist as either High priority or Standard priority.

Not all referrals, whether high or standard priority, will get a grant. The national legislation is clear and sets “test of resources” eligibility criteria for the people applying for the grant.

A person will only be accepted on the “waiting” list when the nationally set “test of resources” has been undertaken and the person meets the criteria and this Policy requirements.

All cases will be processed by priority and in date order of request when sufficient resources are available to the Council to approve the grants.

In order to prevent Standard Priority enquiries being delayed for long periods before processing when resources are limited the Council may consider allocating a percentage of the annual budget for Disabled Facilities Grants to the Standard Priority cases.

### **4. Housing Associations**

Most Housing Associations have their own adaptation policies and set aside finances for works that are needed for their tenants, to assist them to remain in their own homes as set out in their policies. Where an application request is received by a Housing Association tenant the Council will discuss this with their Landlord (i.e. the relevant Housing Association) in the first instance.

As resources are finite Housing Associations will be requested as part of this policy to provide a financial contribution towards the cost of the works in their homes, this will be in discussion with each Housing Association on a case by case basis, and for work that the Association would not carry out as part of their own existing policy arrangements.

### **5. Grant approval**

On receipt of a recommendation from the Occupational Therapy Service applicants will be requested to undertake a preliminary test of resources as soon as possible.

The results of the preliminary test of resources will be notified to the applicant so that they may decide whether or not to continue with an application or fund the works themselves.

When funds are available to the Council an Officer will prepare a schedule of works and a plan for the recommended adaptation and issue this together with all the necessary application forms and other documents to enable a person to submit a complete application. Officers will compare costs of standard items with neighbouring authorities and produce a schedule of reasonable costs, including any contingency and agency costs/fees. This will be updated annually, to ensure value for money.

Applicants will prepare their own plans for the works and obtain a minimum of 2 quotations for work under £10,000 and 3 quotations for works in excess of £10,000 from separate contractors. They will also obtain proof of their ownership of the property or the agreement of the owner to the works.

The applicant may obtain assistance in the preparation of their application from a Home Improvement Agency or other agent, surveyor or architect. The reasonable amount of the fees for such work will be included in the grant approved. The level of fees to be grant aided shall be determined by the Council and will not normally exceed 10% of the cost of the scheme of works.



If the disabled person is the tenant of a private landlord or Housing Association, the landlord/owner must give permission for the work to be carried out. Fixed items such as level access showers will usually become the property of the owner. Removable items that have been provided through Lancashire County Council schemes will normally be signed over to County to maintain and own.

When a complete application has been received the Council is legally required to issue a decision within 6 months. We will aim to issue a decision within 3 months subject to funding being available. Where funds are not available the customer will be advised of the approximate time before the grant can be approved

When the grant is approved the applicant will be responsible for ordering commencement of the works and supervising the contractors on site. They may employ an agent to do this on their behalf.

Customers will be required to obtain all the required certificates and guarantees from their contractor and ensure that the work and goods are guaranteed in accordance with manufacturer instructions

## **6. General Grant Conditions**

The following is a summary of general conditions that apply in relation to all DFG approvals.

1. The grant will normally be paid to the contractor or person carrying out the works or providing the services rather than the grant applicant
2. Eligible works must be completed to the Council's satisfaction before payment
3. Eligible works must be completed within 12 months of the date of the grant approval
4. The works must be carried out by one of the contractors that submitted an estimate for the works unless agreed by the Council that another may complete the works
5. An acceptable invoice or receipt must be provided for the works
6. The works may not be carried out by the applicant or a member of their family
7. The works must be carried out in accordance with the plans and specifications approved by the Council
8. At the date of completion the grant applicant must remain eligible for grant
9. The Council may recalculate the amount of grant, refuse to pay the grant or demand repayment of any grant as appropriate where:-
  - a. The amount of approved grant was based on inaccurate or incomplete information
  - b. The eligible works commenced before the date of approval
  - c. The eligible works are not completed within 12 months of the date of approval
  - d. The eligible works are not carried out by one of the contractors who submitted an estimate for the works without the agreement of the Council
  - e. The final costs of the eligible works and any ancillary or preliminary services or charges is or is likely to be lower than the estimated expense
  - f. At the time of the approval of the application any grant applicant was not entitled to a grant
  - g. Eligible works have commenced and the grant applicant dies before works are completed.

## **7. Performance and Review**

Monthly meetings will be held between Council officers, Housing Associations and LCC to monitor progress and activity in relation to Disabled Facilities Grants, review priority assessments, the waiting list, policy and processes in the Borough.

Financial monitoring will be undertaken on all grant cases to ensure that the value of grants approved does not exceed the funding available and that all funds are committed.