

SEVENOAKS DISTRICT COUNCIL  
PRIVATE SECTOR HOUSING ASSISTANCE POLICY 2017

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Housing/Coxjames/management/Housing renewal policy

## Private Sector Housing Assistance Policy

### 1.0 Context

There have been significant changes in the way housing assistance is funded and the priorities of both national government and Sevenoaks District Council, this new housing assistance policy reflects the current priorities and will also give sufficient flexibility to meet the challenges in the years to come.

### 1.1 Background since 2008

Since 2008 there have been two significant developments which directly influence this housing assistance policy.

Firstly, since 1969 there has been considerable funding directed to Councils for improvement grants enabling unfit or substandard domestic property's to be brought up to a reasonable standard. Unfortunately since 2010 all such money from Central Government ceased, reducing the Councils ability to promote and fund such improvement works.

Secondly, in June 2013 Central Government introduced the Better Care Fund (BCF) to ensure a transformation in integrated health and social care as it was recognised that "The effects of poor housing cost the NHS over £2 billion every year (around 2% of the annual budget in England). Improving homes delivers a return on investment quickly".

The Better Care Fund (BCF) is one of the most ambitious programmes across the NHS and local government to date. It creates a local single pooled budget to incentivise the NHS and local government to work more closely together around people, placing their wellbeing as the focus of health and care services. BCF also shifts resources into social care and community services for the benefit of the people, communities and health and care systems. Integral to the BCF is the inclusion within the overall budget of the annual Disabled Facility Grant allocation and the political decision to increase the DFG over several years.

Given the change in political and financial emphasis this policy must reflect this by maximising the partnership role the Council can play in particular with neighbouring local authorities but also with the NHS. Although Private Sector Housing's core role, that of housing advice and financial assistance (depending on financial resources available), will not be overlooked.

## 2.0 Introduction

This document details the Councils Housing Assistance Policy and Conditions attached to such funding. This policy has been adopted under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (Appendix D). The Order enables local authorities to develop a means of providing assistance to any resident so they can address local needs and priorities.

The Housing Grants Construction and Regeneration Act 1996 states the processes by which grants are processed, so if any unusual scenarios are presented then this Act will be the primary source of information.

This Policy explains the only mandatory grant, the Disabled Facilities Grants, the funding for which is received from KCC via the BCF and administered in line with the Housing Grants, Construction and Regeneration Act 1996. In addition, discretionary assistance aligned to the requirements of the BCF will also be set out.

The policy will also explain the discretionary financial assistance available to residents which is principally aimed at enabling residents to reside safely in their own home.

This Policy recognises the limitation on the Council's own capital funds and the fact it is unlikely that substantial additional support from either the Council or Central Government will be forthcoming, so ensuring, whenever possible, financial assistance is recovered and recycled to assist further residents is essential.

Any queries relating to this policy or grant conditions should be referred to the Private Sector Housing Team Leader, Sevenoaks District Council, Argyle Road, Sevenoaks, TN13 1HG.

### 3.0 FUNDAMENTAL PRINCIPLES

This Policy reflects local housing conditions and its core objectives are:

- The requirement to instigate and formulate links with Health and third sector organisations to provide opportunities to improve the lives of the most vulnerable people, giving them control, placing them at the centre of their own care and support, and, in doing so, providing them with a better service and better quality of life.
- The need to ensure households resides in property's that are free from category one hazards.
- The need to provide not only financial assistance but assistance through a combination of education and encouragement and direct and indirect financial assistance.

It is neither possible nor desirable for the Council to offer financial assistance to directly fund all private sector housing repairs and maintenance. It can only directly assist a small proportion of these through targeting the limited available resources at priority areas. When it does provide assistance this funding must be repayable thus allowing the recycling of such funding to other applicants.

Although the responsibility to maintain private property rests firmly with the owner, it is recognised that the private housing stock is a major public asset and can have an important affect on the occupier's health. Most assistance is offered as an investment in this local and national asset, for long-term public benefit and economic regeneration. An important reason for providing assistance is the improvement of our resident's health along with supporting the wider National Health Services by aiding rapid transfers from hospital and reducing delayed transfers of care commonly described as bed blocking.

The use of repayable grants is the way the Council provides assistance. Grants that are repaid will be recycled into further private sector housing renewal. The Council and Central Government considers this is an appropriate way forward given the pressure on resources and because, over time, it will allow more homeowners to be assisted with a limited amount of resource.

Money repaid to the Council will be reinvested in the private sector housing assistance capital programme.

No financial assistance will be paid towards the cost of repairing tenanted dwellings, or for works to provide means of escape in case of fire or basic amenities or in HMOs (houses in multiple occupation); these needs will be remedied firstly by education and funding from the landlord and if need be recourse to the appropriate enforcement action.

## **4.0 GRANT ASSISTANCE**

### **4.1 Mandatory Assistance**

### **4.2 Disabled Facility Grant**

Such grants are available to owners or tenants over the age of 18 for providing essential adaptations enabling disabled people better freedom of movement into and round their homes and giving access to essential facilities. This is a statutory grant and administrative process is contained in the Housing Grants, Construction and Regeneration Act 1996 and associated guidance. The maximum amount of grant is £30,000 (The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008).

To be eligible for assistance an assessment must be undertaken by a suitably qualified Occupational Therapist who recommends adaptations because of person's disability and not for any other reason such as overcrowding. An assessment by the Council must also be satisfied that the works required are "necessary and appropriate" and "reasonable and practicable" bearing in mind the layout and condition of the property. The Council are also obliged to consult with the welfare authority which in our case is Kent County Council before formal approval is given.

Examples of common adaptations include:

- Providing ramps to allow a person to get in and out of their house
- Stair lifts and through floor lifts including a five year warranty
- Level access showers for people who cannot use a conventional bath.

### **4.3 Test of resources for owner occupiers and tenants**

For each application a test of resources will be undertaken following the requirements of the Housing Renewal Grants Regulations 1996 and in the Housing Renewal Grants (Amendment) (England) Regulations 2008.

Calculations are based upon the regulations governing entitlement to housing benefit and council tax support. The income and capital of each relevant person (the disabled occupant and their spouse or partner) is taken into account in the assessment of financial resources.

In the case of families with a disabled child or young person there is no means test and 100% grant is awarded up to the maximum limit.

Where all relevant persons are in receipt of a pass ported benefit then a 100% grant is awarded.

At present and nor is it envisaged there will be a need to prioritise DFG enquires, but should demand for these grants significantly increase or there be a legislative change there may be times when an applicant will unfortunately be placed on a waiting list and be assisted in chronological order, although as part of any such

waiting list a set of priorities including clinical need will be used to determine if priority should be given.

Repayment conditions are applicable to every DFG over £5,000 under The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. Certain exemptions are applicable regarding repayment but the maximum amount of repayment the Council can require is £10,000. Appendix A provides specific details.

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## 5.0 Better care fund sourced discretionary funding

### 5.1 Discretionary funding supported through the Better Care Fund (DFG allocation)

#### 5.1.1 Introduction

Historically, the way which DFG funding could be used was rather prescriptive. However, since the introduction of the BCF a wider more integrated view is being promoted. In a recent letter from the Department of Health they stating that the DFG funding will continue to be included within the BCF to “encourage areas to think strategically about the use of home aids/adaptations, use of technologies to support people in their own homes, and to take a joined-up approach to improving outcomes across health, social care and housing.”

Mandatory DFG applications will of course take precedence over discretionary funding, however if budgets allow discretionary funding will be used for grants and other initiatives and innovations. All such expenditure must be based on the requirement of the BCF and will achieve at least one or more of the core principles:

- a) Reducing or eliminating hospital admissions;
- b) Allowing a speedier discharge from hospital;
- c) Considering the long term needs of individuals and reductions in associated treatment and social care costs; and
- d) Undertaken works, adaptations or provision of equipment that is not provided by any other service

#### 5.3 Collaborative Working

Funds will be used from the BCF to fund initiatives linked to the four core principles. Examples of such innovative work would include the Health and Housing Co-ordinator at Tunbridge Wells and Darenth Valley Hospital and a similar role assisting GPs. Funding will be made available to undertake minor works to facilitate hospital discharge or prevent admissions.

### 5.4 Discretionary Disabled Facility Grant (DDFG)

#### 5.4.1 Introduction

This funding will be made available only as funds via the BCF allow. Mandatory DFG's will take precedent over discretionary funding.

Discretionary funding will be for three specific areas  
Funding adaptations over the £30,000 maximum;  
Relocation funding; and  
Specific situation funding.

DDFG is principally available to applicants who meet the eligibility criteria for mandatory DFG and who require additional funding in order to pay for the

adaptations or to move to another property more suited to adaptation (or already adapted). A principle aim of this DDFG is to replace the 'top up' grants administered by KCC.

A more suitable property does not necessarily need to be within the Sevenoaks District.

Assistance may be refused in cases where an applicant is found to have an outstanding debt to the council of any kind. This does not have to be in relation to the same property that the current application for assistance is for. In particular an applicant with council tax arrears may only apply for assistance once the outstanding debt has been repaid or an appropriate payment method has been arranged and adhered to.

Appendix B details the repayment conditions associated with all Discretionary Disabled Facility Grant

#### 5.4.2 Funding adaptations over grant maximum (Such grants are commonly referred to as 'Top up grants')

For adaptations, over the £30,000 maximum, repayable top up assistance is solely for the necessary and appropriate and reasonable and practical adaptations, if applicants wish to have adaptations over and above this level or a higher specification of fixtures and fittings this will not be covered by this assistance. If schemes become excessive in nature and it is the belief of the Council this is unnecessary then no discretionary funding in such a situation would be made available, an example of this would be if a ground floor extension was reasonable by a two storey extension was being proposed in such a situation discretionary funding would not be made available. DDFG discretionary funding will not be able to be used for the purposes of an 'offset grant'. An offset grant is one where SDC agree a scheme but instead the applicant wishes to undertake a different more extensive/expensive solution.

Owner occupiers are eligible for top up assistance, although tenants will be considered on an individual basis as factors such as impact upon rentability, length of tenancy and agreement of landlord are important.

Maximum amount of top up assistance for all owner and tenant applications will be £30,000 or 50% of the equity existing at the time of application, whichever is the lesser.

Currently registered social landlord tenants are able to apply for a mandatory DFG and can receive up to £30,000, given it would be considered good practice for a responsible social landlord to respond to the needs of its disabled tenants, discretionary assistance above the mandatory maximum will be limited to £15,000. Discretionary funding will only be available if a RSL match funds the discretionary assistance given by the Council. If adaptations exceed £60,000 (mandatory £30,000 plus discretionary from SDC match funded by RSL) then no further funding will be made available from the Council.

All applicants for top up assistance will be subject to the means test used for mandatory DFGs, those on a pass ported benefit and where the adaptations are for a child and one of the parents is in receipt of such a benefit will not go through the means testing process.

Any funding provided via this route for owner occupiers or tenants application is repayable on disposal or transfer of the property to which it relates. A charge will be placed with Land Registry and local land charges. No charge can be placed upon a property owned by a RSL.

The applicant will not normally be eligible for top up assistance where a relocation grant has previously been provided by the Council as any new property would be more appropriate for the disabled persons needs.

#### **5.4.3 Relocation funding**

Maximum amount of assistance associated with all relocation assistance applications, will be £10,000 and no repayment requirement.

Relocation funding is available when a proposed adaptation via the mandatory route has been assessed and determined by the Council and Occupational Therapist as not being reasonable and practicable because of either cost and/or extent of works involved. Funding will assist customers in providing financial assistance to cover the costs of moving to another property which can be outside of the District.

To assist moving to another property grant assistance can be obtained for:

- estate agents fees (limited to 1.5% of the property value)
- solicitors fees
- valuation fees
- Stamp Duty (limited to the amount for a property valued at 15% higher than the property being sold)
- mortgage arrangement fees
- removal costs

The applicant is responsible for obtaining from an OT a report advising that the new property is suitable to fully meet or have the potential to meet the needs of the disabled person are family and agreement from Sevenoaks District Council as to the condition of the proposed property (property is fit for human habitation)

#### **5.4.5 Specific situation funding**

Maximum grant of £50,000 with a repayment requirement once the property is sold or transferred.

Discretionary assistance will be considered in specific and unusual situations which prevent a disabled person from receiving a much needed adaption.

For those owner occupiers and private sector tenants who for very specific reasons are ineligible for a mandatory DFG. As a result of not being able to fund essential adaptations additional social care costs, hospital admissions and poor family environment will result. Circumstances that are applicable include:

Long term prognosis, limited or no income and living off diminishing amount of savings or for applicants who need additional facilities at a second property which is not their sole or main residence.

To be eligible to make a discretionary application one must have to been assessed by an Occupational Therapist as requiring the adaptations; adaptations are necessary and appropriate and reasonable and practical, unable to make a mandatory application, have sufficient equity in the property and accept, including landlord a charge being placed upon the property.

In order to determine upon eligibility and if such assistance is reasonable for private sector tenants of an application, a summary of the case shall be produced by the Team Leader - Private Sector Housing and submitted to the Property Services Manager and Portfolio Holder for Health and Housing and only if both parties agree will discretionary assistance be considered.

A maximum amount of £50,000 will be available or 50% of the equity existing at the time of application, whichever is the lesser. However any application must demonstrate value for money, no other option is available (i.e relocation) and once completed there is no expectation of a successive mandatory DFG application being made.

This grant will have regard to the means testing criteria undertaken via the mandatory DFG process and have the same eligible criteria as a mandatory DFG.

## **5.5 Accelerated Facility Grant (AFG)**

Maximum grant of £7,500 with a repayment being considered between £5,000 and £7,500.

AFG assistance will provide a quicker more streamlined service.

AFGs will be considered for those adaptations costing under £7,500 and recommended by an Occupational Therapist. Applicants must be owner-occupiers, private sector tenant or RSL tenants, be registered or registerable disabled. No means test will be applicable for this grant.

Such a grant is appropriate in situations for low cost or urgently needed disabled aids and adaptations (for instance, a straight stair lift or level access shower) that, if not carried out, could directly affect the occupant's health, safety and welfare, or the health, safety and welfare of the disabled person's carer. AFG is not for property repair or its maintenance, it is solely for adaptations.

The grant will only require one estimate and be limited to a maximum of £7,500. Any grant liable to exceed this amount will be required to apply for a mandatory DFG. A charge shall be applied to such grants between £5,000 and £7,500 and will those stated by The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. See Appendix B for conditions appropriate for an AFG.

### **Hospital Discharge Grant (HDG)**

The HSG has a maximum of £3,000. No requirement for repayment shall be applied to such grants.

This grant is solely to provide support to any customer being discharged from hospital. Due to the many housing related issues which prevent a timely hospital discharge a specific list of works can not be given, however all works associated with the grant must be essential to enable the customer to once again reside in their own home. Examples of works that would be expected to be supported by a HDG include deep cleaning, decluttering, minor adaptations, boiler repairs/replacement, minor repairs, moving furniture.

Applicants for a HSG must be in hospital at the time of referral and awaiting discharge. Owner occupiers and private sector tenants are available to make an application for this grant and applicants are not required to go through the means testing process. An application form will need to be completed along with confirmation of ownership/tenancy and work is required to allow hospital discharge to occur.

### **Safe and Secure Grant (SSG)**

The maximum grant will be £1000.00, available to owners and private sector tenants with no repayment criteria being applicable.

The Safe and Secure Grant is designed to reduce admissions to hospital and promote independence. Repairs to the house and its environs will be minor in nature and could include:

- repairs or modifications to stairs, floors and steps;
- safety and security repairs; and
- providing additional property modifications to promote independence for customers with a specific disability, diagnosed condition (or written evidence supporting a condition) with a Dementia to ensure they reside in their own home as long as possible.

With the new links being forged it is envisaged that many organisations can refer applicants in the Council for assessment, these organisations would include Community care agencies, charities and family carers.

This type of non-means tested grant will be available to those who are over 60 or with a specific ill health diagnosis (or written confirmation of systems by a medical

professional or disability. This grant is primarily aimed at those individuals and carers living with Alzheimer's and Dementia.

## **6.0 DISCRETIONARY ASSISTANCE**

### **Housing Assistance Grant (HAG)**

Maximum £10,000 is available to an owner occupier and repayable upon sale or transfer. Appendix C details the repayment conditions associated with a HAG.

In principle, the Council takes the view responsibility for all repair and maintenance of a property rests with the owner. Discretionary financial assistance will normally only be available where it can be demonstrated that other funding options have been explored and eliminated, or where the use of discretionary funding assists the Council in meeting its strategic objectives.

Subject to funds being available financial assistance to qualifying residential premises will be provided as a discretionary Housing Assistance grant. Once the budget has been committed no further offers will be made. In such circumstances, the Council may draw up a waiting list of people wanting assistance which will be administered using a points system.

The Council will consider applications for a means tested, repayable HAG where it can be demonstrated that reasonable steps have been taken to fund the works through alternative means, for example through conventional loans, equity release or similar schemes. The Council accepts that commercial products may not always be appropriate and will seek to target limited funds to those in the greatest need.

Assistance may be refused in cases where an applicant is found to have an outstanding debt to the council of any kind. This does not have to be in relation to the same property that the current application for assistance is for. In particular an applicant with council tax arrears may only apply for assistance once the outstanding debt has been repaid or an appropriate payment method has been arranged and adhered to.

For these reasons, it cannot be assumed any HAG funding will be available.

Enquiries will be prioritised to take into account the applicant's circumstances, financial need, the nature of the work and its urgency. Applicants must understand the grant system is not an emergency service so anything requiring urgent action will need to be undertaken by the resident.

Applications for discretionary assistance will only be considered in the following circumstances:

- Where essential works are required to remedy Category 1 hazards (as assessed using the Housing Health and safety Rating System - HHSRS; or Multiple category 2 hazards (Band D) that pose a risk to health of the vulnerable group.

Applications for discretionary assistance will not be considered in the following circumstances:

- for non-essential repairs or for works which are considered desirable rather than essential (including kitchen and bathroom refurbishments to replace dated but otherwise serviceable fittings);
- for repairs to porches, conservatories, sheds, outbuildings, garden fences, boundary walls etc.;
- for cosmetic repairs, redecoration and cleaning works;
- for the replacement of windows and doors on grounds of energy efficiency unless considered by the Council to be in serious disrepair and beyond economical repair;
- for completing DIY projects;
- the funding of works which would normally be covered by a household insurance policy. Discretionary funding is not intended to be an alternative to insurance cover; and
- for instances where a disabled persons home is unsuitable for adaption to meet their specific needs.

### **Pre qualifying criteria**

The Council will specify a period of time during which the applicant must have lived in the dwelling as his/her only or main residence prior to the date of the HAG application for assistance and reserves the right to specify different periods for different purposes. A period of three years will apply to all HAG discretionary applications. In exceptional circumstances (i.e when a life changing event has occurred requiring significant adaptations), the Council may consider exercising its discretion in relation to this requirement if there are particular strategic reasons to do so.

It is not the Council's intention to make discretionary financial assistance available to those who have recently purchased a property and have decided not to commission a full structural survey or Homebuyer's Report since this would have provided the opportunity to re-negotiate the purchase price to reflect any defects identified by the surveyor.

## 7.0 General Guidance on the operation of the Housing Assistance policy

### 7.1 Buildings Not Attracting Grant Assistance

The following dwellings will not qualify for grant assistance:

- Properties, which are not of a permanent nature or where the conditions are such it is not cost effective to undertake significant repairs;
- Dwellings, sheds, outhouses and extensions such as conservatories that do not have planning permission or building regulations approval.
- Non-residential buildings.
- Improving conditions within the private rented sector as this is the responsibility of the landlord.

### Eligibility Criteria

Eligible applicants are freeholders and long leaseholders with at least 10 years interest left in the property. A tenant (with the landlords permission) can apply for most grants although a HAG is unavailable. The property must be the main or only residence of the applicant or a member of their family who the works are for and have the intention of residing there. A property must be within geographical area of Sevenoaks District Council.

A person who lives in the dwelling under a right of exclusive occupation for a period of more than 5 years or for life will be able to apply assistance.

**Qualifying house boat** means a boat or similar structure designed or adapted for use as a place of permanent habitation which -

- (a) has its only or main mooring within the area of a single local housing authority;
- (b) is moored in pursuance of a right to that mooring; and
- (c) is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax).

And includes any yard, garden, outhouse and appurtenances belonging to it or usually enjoyed with it.

**Qualifying Park Home** means a caravan within the meaning of Part 1 of the Caravan Sites and control of development Act 1960 (disregarding the amendment made by section 13(2) of the caravan sites act 1968) which-

- (a) is stationed on land forming part of a protected site within the meaning of the Mobile Homes Act 1983;
- (b) is occupied under an agreement to which the Act applies or under a gratuitous licence; and

(c) is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax).

And includes any yard, garden, outhouse and appurtenances belonging to it or usually enjoyed with it.

All funding is provided subject to funding being available. The Council reserves the right to refuse an application and when necessary have a waiting list.

### **Form of Application**

Application for assistance must be on the forms prescribed and provided by the Council and must include:

#### **All Grants**

- Applications must be in writing and include full particulars of the proposed works including, where relevant, plans and specifications of the works for which assistance is being sought;
- For grants over £7,500 at least two itemised estimates from independent building contractors unless otherwise directed by the Council;
- For grants under £7,500 at least one itemised estimate from an independent building contractor unless otherwise directed by the Council;
- If works undertaken by Maintenance operatives employed by Sevenoaks District Council costs will be calculated on an hourly rate basis plus the cost of any materials
- Particulars of any professional fees or other charges which relate to the preparation of the scheme, the supervision of the works or the administration of the contract;
- Proof concerning the ownership or tenancy of the dwelling;
- written consent from all owners of the dwelling to the carrying out of the proposed works;
- Written confirmation from applicants agreeing to the relevant conditions.
- Where required by the Council, the consent of the mortgagees;
- Certificate required in the case of an owners/occupiers application or certificate for a tenants application accompanied by an owners certificate from the landlord.

- Signed agreement to repay the grant under certain circumstances as stated by the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 (England)) or
- Undertaking that it is an applicants intention that the dwelling will be occupied by the applicant as their only or main residence for a period of 5 years from completion of the works and to repay any financial assistance in circumstances.
- Financial information regarding any outstanding debts or charges placed against the property.

### **Certificate of Future Occupation**

**Owner's application** - The owner must sign an owner-occupation certificate which certifies that they have, or propose to acquire, a qualifying owner's interest in the property and that they intend that they or a member of their family (in the case of Disabled Facilities Grants this must be the disabled person) will live in the property as their, or that family member's only or main residence for 5 years.

### **Tenant's application**

- (a) The tenant must sign a tenant's certificate which certifies that their intention is that they or a member of their family will live in the property as their, or the member's, only or main residence for 5 years.
- (b) This certificate must be accompanied by a certificate of intended letting from the landlord.

**Occupiers application** - An occupier must sign an occupiers certificate indicating they have acquired and occupy a qualifying house boat or park home.

### **Amount of Assistance**

The council will specify the maximum amount for assistance. These amounts are inclusive of all costs including Value Added Tax and fees.

### **Eligible Works**

Eligible works will be only those identified as such by an officer of the Council's Private sector housing Team with reference to the Council's Policy. Any relevant fees will also be included. Any works, which would be eligible for assistance but can be paid for via an insurance claim or third party claim, will not attract grant assistance. In exceptional cases assistance may be given on condition it is repaid out of the proceeds of any future claim.

Works outside the curtilage of the property will not normally eligible for assistance unless they relate to the provision of essential services such as water, gas or electricity.

## **Restriction on grants for works already begun (Section 29 HG,C&R Act 1996)**

An application for assistance will not be approved where the relevant works have been completed before the assistance is approved.

Where an application has been received and works have started before the assistance has been approved, only those items yet to be carried out will be considered as part of the application. The only exception to this restriction will be where the Council are satisfied there were good reasons for doing so and prior agreement of the Council was obtained.

## **Fees & Other Ancillary Costs**

Other charges that can be included within a grant application, where applicable, will include:

- confirmation of the owner's interest, when required by the Council;
- specialist surveys, design/preparation of drawings, plans & schedules;
- assistance in completing forms;
- applications for planning permission and building regulation approval;
- obtaining estimates
- supervision of the relevant works
- disconnection and re-connection of electricity, gas, water or drainage utilities where this is necessary for the grant-aided works
- the services and charges of an occupational therapist

## **Notification of Approval of Assistance (Section 34 HG,C&R Act 1996)**

The Council will notify an applicant in writing whether the application for assistance is approved or refused. The notification will be provided as soon as reasonably practicable after receipt of a completed application but no longer than 6 months from the date of the receipt of the completed application.

A grant approval will only be approved if the applicant has agreed to the applicable conditions i.e. repayment.

The approval will specify the amount of assistance, the amount that is ineligible, the applicant's contribution if any towards the eligible costs, expiry date of the assistance and applicable conditions. Assistance is not transferable to another person on the sale of the property. Expiry date will be 12 months for DFGs, top up assistance and specific situation funding, for others 6 months expiry date shall be stated.

In the case of refusal, the Council will give a written reason for refusal. The applicant will be able to appeal against the decision made on their grant application and the process for doing this is set out under appeal procedure.

## **Re-determining an Approval and Unforeseen Works (Section 34 HG,C&R Act 1996)**

If after an application has been approved the Council are satisfied that owing to circumstances beyond the control of the applicant.

- a) The eligible works cannot be, or could not have been carried out for approval amount;
- b) The amount of the costs which have been or are to be incurred has decreased/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;

The Council may re-determine the estimated expense and the amount of grant. At no time will any re-determination exceed the grant maximum.

Additional works identified once works have been commenced must be seen and agreed prior to them being carried out. An instruction will be given authorising any unforeseen works.

### **Extension of time (Section 37 HG,C&R Act 1996)**

An offer of assistance will expire after 6 or 12 months depending upon the type of grant, by which time all works must have been completed. If an extension of time is required an application must be made to the Council, an extension will only be given if delays have occurred outside of the control of the applicant and in which case an extension of no more than 3 months will be given. A second extension will not be considered. If there is no evidence of the applicant arranging for the works to be completed during the 6 months at the end of this time the grant will be closed and any costs incurred in the application process will not be reimbursed by the Council.

### **Supervision of Works**

Applicants are advised to use a suitably qualified person to supervise and arrange the works. This can be, the Home Improvement Agency or any other approved surveyor to assist with their applications.

Relevant fees to the Improvement Agency or other approved managing agent will be included as eligible works, currently 12.5% of eligible costs.

If no specific contract in place, the building contract will be between the applicant and the chosen contractor and will not include the Council. An officer from the Council's Private sector housing Team will check the works to ensure they are carried out according to the specification of work and in accordance with good building practice. However, the Council and its officers are **not** liable for any poor workmanship and do not provide any guarantee. Any faults with the works will be a matter between the applicant and their contractor.

Where eligible works are not of an acceptable standard, the Council will withhold monies.

### **Conditions of Payment (Section 37 HG,C&R Act 1996)**

Assistance will only be paid if:

- (a) The work is completed within the time stated in the approval or such further period the council may allow. This must be confirmed in writing. This period is normally 12 months from approval, although this can be shorter especially when works need to be completed in a short period of time.
- (b) The work is carried out in accordance with the conditions of approval,
- (c) The work is carried out by one of the contractors whose estimate accompanied the application. The Council will normally assess the assistance on the lowest estimate,
- (d) The applicant completes a request for payment form or verbally confirms acceptance and satisfaction of the completed works and that the builders are not members of the applicant's family.
- (e) The Council is provided with an acceptable invoice or receipt for payment for the works or fees. The invoice must include full details of the builder/surveyor employed including VAT registration details. The applicant or a member of his family cannot submit an invoice,
- (f) The Council has been notified in advance that the works have begun.
- (g) That the works have been completed to a satisfactory standard and in accordance with the grant offer and estimates,
- (h) Any copies of specified guarantees and test certificates are submitted. Trades having a competent person regime must either use a competent person or make a building regulations application.
- (i) Payments are either made to the applicant or preferably direct to the contractor or agents. In the case of a Disabled Facilities Grant, payment of the grant can be delayed by up to six months where existing budgets have already been committed.

### **Interim Payments (Section 35, HG,C&R Act 1996)**

Interim payments will normally be paid, but these are at the discretion of the Council. The applicant's contribution (if any) will be taken into account in any payment. Normally the applicant will have to pay any contribution they may have towards the cost of the work first, before any grant payments are made. Payments will only be paid for work satisfactory completed and not for materials not yet used or installed. Eligible works must be carried out to the satisfaction of the council and an acceptable invoice supplied.

### **Grant and repayment Conditions**

Are explained in more detail in grant specific appendices as conditions vary between mandatory and discretionary assistance, however it is the Councils belief that a charge either with land registry or with local land charge are appropriate in most situations.

Before imposing any such repayment or other conditions or taking steps to enforce it, the Council shall have regard to the ability of the applicant to make that repayment or contribution. It would therefore be possible that assistance be provided without the repayment condition i.e restrictions on additional charges or no equity within the property.

### **Repayment upon Breach of Conditions (Sections 40-43 HG,C&R Act 1996)**

In the case of a breach of grant conditions applicable to a specific grant the monies becomes repayable to the Council.

In the case where an applicant ceases to be the owner, or it appears to the Council that the applicant was not at the time of the application being approved entitled to the grant, no payment shall be made and the grant cancelled. In the case where interim payments have been paid, no further payments will be made and the Council will decide whether recovery of any or all previous payments is necessary.

### **Successive Assistance**

There is no restriction upon applicants receiving a second for mandatory disabled facility grants or AFG.

It is not envisaged that successive Specific Situation Grants, relocation funding nor top up funding would be available.

For the HDG and SSG a maximum of 2 grants in a three year period will be allowed and only for different works (i.e. because of a worsening of a medical condition).

For the HDG successive grants are appropriate, however if we return to a property and once again undertaking similar works (i.e. cleaning property) then a charge for repayment will be considered.

Given it is the view of the Council that it is for the home owner to maintain a property the council will not generally consider giving assistance on more than one occasion in relation to a specific property.

For HAG discretionary assistance a condition will be placed upon the customer to keep the property free from Category 1 hazards, in a good state of repair for 5 years and the level of maintenance carried out will be taken into account when considering any new application.

### **Appeal Procedure**

Representations can be made in the following cases:

- In the event of disagreement with a decision,
- In the case that one of the conditions of one of the aforementioned grants should be waived or changed,
- That there is an exceptional case for providing assistance which is not within the Councils existing policy,
- There has been some error or excessive delay in the processing of a grant.

In such cases the person should write in the first instance to:

Private Sector Housing - Team Leader  
Sevenoaks District Council  
Argyle Road Sevenoaks TN13 1HG  
psh@sevenoaks.gov.uk

## Appendix A

### Repayment Conditions - Disabled Facility Grant

#### **Disposal of the dwelling: The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008**

Where a grant is for a sum exceeding £5000, the council may demand repayment of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if:

- (a) The recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- (b) the council, having considered:
  - (i) the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant;
  - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
  - (iii) whether the disposal is made for reason connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
  - (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require the repayment.

#### **NOTES:**

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force,

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

## Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
  - i. sale of the freehold or an assignment of the lease or
  - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
  - iii. any other form of sale, assignment, transfer or disposal.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7: General Guidance on the operation of the housing assistance policy.

## Insurance and compensation claims:

### **The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996**

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

## **Appendix B**

### **Repayment Conditions - Discretionary Disabled Facility Grant**

#### **1. Funding adaptations over £30,000 (top up assistance)**

All approvals shall have the condition for repayment upon the sale or transfer of the property. Upon completion a charge will be registered with local land charges or Land registry.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7: General Guidance on the operation of the Housing assistance policy.

#### **Insurance and compensation claims:**

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

#### **NOTES:**

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.

2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.

3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force.

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

## Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
  - i. sale of the freehold or an assignment of the lease or
  - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
  - iii. any other form of sale, assignment, transfer or disposal.

## 2. Relocation Funding

No repayment conditions are applicable.

### **Insurance and compensation claims:**

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

## 3. Specific situation funding

### **Repayment**

All approvals shall have the condition for repayment upon the sale or transfer of the property. Upon completion a charge will be registered with local land charges or Land registry.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7 General Guidance on the operation of the Housing assistance policy.

**Insurance and compensation claims:**

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

**NOTES:**

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force
4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

**Definitions**

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.

3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
- i. sale of the freehold or an assignment of the lease or
  - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
  - iii. any other form of sale, assignment, transfer or disposal.

#### **4. Accelerated Facility Grant**

Where a grant is for a sum exceeding £5000, the council may demand repayment of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if:

- (b) The recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- (b) the council, having considered:
  - (v) the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant;
  - (vi) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
  - (vii) whether the disposal is made for reason connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
  - (viii) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require the repayment.

#### **NOTES:**

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.

3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force,

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

#### Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
  - i. sale of the freehold or an assignment of the lease or
  - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
  - iii. any other form of sale, assignment, transfer or disposal.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7 General Guidance on the operation of the Housing assistance policy.

#### **Insurance and compensation claims:**

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

## **Appendix C:**

### **Housing Assistance Grant**

#### **Repayment**

All approvals shall have the condition for repayment upon the sale or transfer of the property. Upon completion a charge will be registered with local land charges or Land registry.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7 General Guidance on the operation of the housing assistance policy.

#### **Insurance and compensation claims:**

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996.

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to then eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

#### **NOTES:**

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force
4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

## Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
  - i. sale of the freehold or an assignment of the lease or
  - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
  - iii. any other form of sale, assignment, transfer or disposal.

## Appendix D DFG Specific operation Guidance

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

If a grant has been approved but, before the certified date of completion:

- (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 property or it ceases to be the intention that they should occupy it, or
- (c) the disabled occupant dies,

the Council may decide:

- (a) not to pay the grant or not to pay any further instalments, or
- (b) that part or all of the works should be completed and paid, or
- (c) the application should be re-determined.

The Council may demand repayment of any instalment plus interest from the date it was paid until repayment.

### **Carrying out and completion of works:**

In approving an application for a grant the Council will require as a condition of payment of the grant that the eligible works are carried out in accordance with such specifications as they determine.

The eligible works must be carried out within 12 months from the date of approval of the application. The Council in extenuating circumstances may extend this period.

The eligible works must be completed to the satisfaction of the council and acceptable invoices, demands or receipts for the works and any preliminary or ancillary services or charges must be provided. An invoice, demand or receipt is not acceptable if given by the applicant or a member of his family. Unless the Council directs otherwise, the eligible works must be carried out by the contractor whose estimate accompanied the application.

### **Repayment where applicant not entitled to grant Section 43 HG,C&R Act 1996**

Where an application for a grant is approved but it subsequently appears to the Council that the applicant was not entitled to that grant the Council will not pay the grant or any further instalments.

The Council will demand repayment of the grant plus interest from the date it was paid until repayment.

### **Applicant ceases to be entitled before payment of the grant 40 HG,C&R Act 1996**

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. In the case

of a joint application this section does not apply unless all the applicants cease to be so entitled.

Where this section applies—

- (a) no grant shall be paid or, as the case may be, no further instalments shall be paid, and
- (b) the authority may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

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's certificate 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 an owner's certificate and the landlord ceases to have the intention specified in the certificate.

If the case falls within section 41 (change of circumstances affecting disabled occupant), the authority shall act under that section.

### **Change of circumstances affecting disabled occupant Section 41 HG,C&R Act1996**

This applies where an application for a 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 qualifying houseboat, qualifying park home or flat concerned or it ceases to be the intention that he should occupy it, or
- (c) the disabled occupant dies.

Where the application related to more than one disabled occupant, this section applies if any of paragraphs (a) to (c) applies in relation to any of them.

- (2) This section applies whether or not the disabled occupant (or any of them) is the applicant (or one of them).
- (3) Where this section applies the local housing authority 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 re determined in the light of the new circumstances.
- (4) In making their decision the authority shall have regard to all the circumstances of the case.
- (5) If the authority decide that no grant shall be paid or that no further instalments shall be paid, they may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.