

# **Housing Renewal Assistance Policy Document**

Housing Services  
(Reviewed February 2017)

# Huntingdonshire District Council

## Introduction

1. The Government has approved an Order (the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002).
2. Article 3 of the Order gives local authorities the power to provide assistance (either directly or indirectly) to any person for the purpose of improving living conditions in the local authority area.
3. Paragraph (3) of article 3 allows that assistance may be provided in any form.
4. The Order provides that the power may be exercised subject to certain qualifications detailed in article 3.
5. Paragraph (4) of article 3 gives local housing authorities the power to make assistance subject to certain conditions, including making repayment or a contribution.
6. Article 4 of the Order prevents local housing authorities from exercising their article 3 power unless they have adopted a policy for the provision of assistance under that article.
7. Article 11 of the Order makes amendments to the Housing Grants, Construction and Regeneration Act 1996 in accordance with Schedule 3 of the Order.

## The purpose and scope of this document

In accordance with article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, this document sets out in full the policy that has been adopted by Huntingdonshire District Council, and includes details of –

- (a) how the Council intends to exercise its article 3 powers and ensure that the statutory qualifications to that power are observed;
- (b) the types of assistance the Council may make available;
- (c) the circumstances in which persons will be eligible for assistance;
- (d) how the amount of any assistance awarded will be calculated;
- (e) the conditions that will apply to the provision of assistance;
- (f) how and in what circumstances any assistance made may be repaid.

Appendix one to this document consists of specimen forms and notices used for the application and administration of assistance.

Appendix Two to the document reproduces the Order.

## Definitions

Unless the context requires otherwise, in this document the expression in the first column shall have the meaning in the second column and any reference to a statute or a statutory instrument within the document shall include any amendments to it.

“he”	he or she
“the Order”	the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 made under the Regulatory Reform Act 2001 on 18 July 2002 as statutory instrument 2002 No. 1860.
“the Council”	Huntingdonshire District Council.
“the District”	Huntingdonshire District
“the 1996 Act”	the Housing Grants, Construction and Regeneration Act 1996
“the Policy”	the Council’s policy for the provision of assistance under article 3 and as required by article 4(a) of the Order
“living accommodation”	has the same meaning as in article 2 of the Order
“dwelling”	a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it and usually enjoyed with it; or a qualifying houseboat or a qualifying park home
“qualifying houseboat”	has the same meaning as in section 58 of the 1996 Act as amended by the Order
“qualifying park home”	has the same meaning as in section 58 of the 1996 Act as amended by the Order
“disabled”	has the same meaning as in section 100 of the 1996 Act
“disabled occupant”	has the same meaning as in section 20 of the 1996 Act
“household”	the person or persons who occupy a dwelling as their only or main residence.
“free equity”	capital value not encumbered by any charge or restriction
“statutory tenancy”	a tenancy within the meaning of the Rent Act 1977 or the Rent (Agriculture) Act 1976.
“market rent”	the rent payable under a tenancy that is not a statutory

tenancy.

“family”	has the same meaning as section 113 of the Housing Act 1985.
“repair assistance”	has the meaning assigned to it in paragraphs 1.2 and 1.3 of the Policy
“disabled facilities assistance”	has the meaning assigned to it in paragraphs 1.2 and 1.4 of the Policy
“assistance”	repair assistance or disabled facilities assistance
“relevant disposal”	has the meaning assigned to it in paragraph 9.12 of Chapter 2 of the Policy
“exempt disposal”	has the meaning assigned to it in paragraph 9.13 of Chapter 2 of the Policy
“top up assistance”	has the meaning assigned to it in paragraph 1.3 of Chapter 3 of the Policy
“special purposes assistance”	has the meaning assigned to it in paragraph 1.4 of Chapter 3 of the Policy
“disabled persons’ relocation grant”	has the meaning assigned to it in paragraph 5.3 of Chapter 3 of the Policy
“Head of Housing Services”	the person who is the head of the Council’s housing service or some such person, being an employee of the Council, who the Head of Housing Services should nominate
“Head of Revenue Services”	the person who is the head of the Council’s revenue service or, in his absence, the Head of Financial Services
“Head of Legal and Estates”	the person who is the head of the Council’s legal and estates service or some such person, being an employee of the Council, who the Head of Legal and Estates should nominate
“tenant nomination and rent setting agreement”	in the case of a landlord application, the agreement under which the landlord grants the Council tenant nomination rights and the right to negotiate a maximum rent for the property.

## **Commencement and transitional arrangements**

1. This policy shall have effect from 9 April 2003. Agreed amendments were made in the review of the policy and take effect as from 19<sup>th</sup> July 2007.
2. A valid application for assistance made under Chapters I, II or III of Part 1 of the 1996 Act and received by Huntingdonshire District Council before July 19 2003 shall be determined according to the provisions of that Act.
3. An otherwise valid application for assistance made under Chapters I, II or III of Part 1 of the 1996 Act (other than an application for a disabled facilities grant) received for approval after July 18 2003 will be determined under the provisions of the policy described in this document.
4. From 9 April 2003 a valid application for assistance made under a power derived under article 3 of the Order will be determined under the provisions of the policy described in this document.
5. An application for assistance made on a form prescribed under the 1996 Act (other than an application for a mandatory disabled facilities grant) will not be accepted as a valid application after 9 April 2004.

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# **Chapter 1.**

**Assistance to improve living conditions in the District  
- Repair Assistance and Disabled Facilities Assistance**

## **1. Introduction**

- 1.1 For the purpose of improving living conditions in the District, including those of disabled people, and for the purpose of advancing the Council's wider objectives, the Council will make available assistance in the form of grants and loans.
- 1.2 Assistance will be known as "repair assistance" and "disabled facilities assistance".
- 1.3 Repair assistance may be made to any person to allow him to carry out either of the purposes specified in section 2.1 (b) and (c) of the Policy unless the main aim of the work for which assistance is sought is to benefit a disabled occupant.
- 1.4 Disabled facilities assistance may be made to any person to allow him to carry out any of the purposes specified in section 2.1 (a), (b) and (c) where the main aim of the work is to benefit a disabled occupant and to achieve any of the purposes mentioned in section 23 (1) of the 1996 Act or to otherwise make the dwelling suitable for the accommodation, welfare and employment of a disabled person.

## **2.0 General purposes for which assistance may be made**

- 2.1 Assistance may be made to enable a person:
  - (a) to acquire living accommodation within the District, subject to the limitations imposed by article 3 of paragraphs (2)(a) and (2)(b) of the Order;
  - (b) to adapt or improve living accommodation within the District (whether by alteration, conversion or enlargement, by the installation of anything or injection of any substance, or otherwise);
  - (c) to repair living accommodation within the District.

## **3.0 Applications for assistance**

- 3.1 No assistance will be made unless an application is made to the Council in accordance with the provisions of the Policy and the application is approved by the Council.
- 3.2 if applicants owe money to Huntingdonshire District Council or any Registered Social Landlord they should demonstrate that they have an agreed arrears payment plan in place and that they are up to date with the payments
- 3.3 Under its power under article 6 (b) of the Order, the Council will require an applicant to provide such information or evidence (including information relating to his financial circumstances) as may reasonably be required for the purposes of determining an application for assistance. An application will not be valid unless it contains all such information or evidence.

3.4 Applications for assistance will be made on the Council's prescribed application form unless it is an the application for disabled facilities assistance, and –

(a) the purpose of the application is to supplement a grant made for the purposes mentioned in section 23 (1) of the 1996 Act, and

(b) the conditions for repayment of assistance detailed at section 4 of Chapter 3 of the Policy do not apply,

in which case an application for disabled facilities grant will be considered also to be an application for disabled facilities assistance.

3.5 An application is not a valid application unless all sections of the prescribed application form are completed or, where they do not apply, marked appropriately.

3.6 Where conditions attach to the award of assistance in any case, an application is not valid unless it is accompanied by an acknowledgement signed by the applicant that the Council has fulfilled its duty toward them under article 3 (5) of the Order.

3.7 Unless the Council directs otherwise in any particular case, an application for assistance is not valid unless it is accompanied by at least two estimates from different contractors of the cost of carrying out the works to which the application relates.

3.8 An application for assistance should include particulars of any preliminary or ancillary services in respect of which assistance is also sought.

3.9 An otherwise valid application that does not fall within the purposes for which grant is normally approved, as provided under the Policy, will be determined on its merits.

#### **4.0 Preliminary conditions**

4.1 An applicant must be aged 18 years or over on the date the application is made.

4.2 No assistance will normally be made if the person who would otherwise qualify as the applicant for assistance is a body mentioned in section 3(2) of the 1996 Act.

4.3 No assistance will normally be made where the application is for assistance in respect of premises provided (by construction or conversion) less than ten years before the date of the application, unless -

(a) the application is for disabled facilities assistance, or

(b) the application relates to a house in multiple occupation (HMO) (as defined under the Council's HMO registration scheme) provided by conversion.

4.4 No assistance will normally be made if under the Housing Act 1985 (defective dwellings) –

- (a) the dwelling, house or building is or forms part of a building of a class designated under sections 528 or 559,
- (b) the applicant is eligible for assistance under Part XVI in respect of a defective dwelling which is or forms part of the dwelling, house or building concerned, and
- (c) the works to which the application relates are, within the meaning of Part XVI, works required to reinstate that defective dwelling.

4.4.1 If the Council considers that the works to which the application relates include works for which assistance is available under Part XVI of the Housing Act 1985 (assistance for owners of defective housing), the Council will normally treat the application as if the relevant works did not include those works.

# **Chapter 2**

## **Repair Assistance**

## **1.0 Making a valid application**

1.1 An application for repair assistance will not be considered a valid application unless the Council is satisfied that -

- (a) the applicant has an owner's interest in, or is in the process of acquiring an owner's interest in, (alone or jointly with others) every parcel of land to which the application relates; or
- (b) the applicant is a qualifying tenant (including a joint tenant) of the dwelling to which the application relates; or
- (c) the applicant is an occupier (alone or jointly with others) of a qualifying houseboat or a qualifying park home.

1.2 For the purposes of paragraph 1.1 (a) -

- (a) "owner" has the meaning specified by article 5 (2) of the Order; and
- (b) "owner's interest" has the meaning specified in section 101 of the 1996 Act.

1.2.1 An application made under paragraph 1.1 (a) is called an "owner's application".

1.3 For the purposes of paragraph 1.1 (b) a "qualifying tenant" means a tenant -

- (a) who is required by the terms of his tenancy to carry out the works to which the application relates; and
- (b) whose rent has reduced from what it would otherwise have been to compensate him for his repairing obligation.

The Council will make such enquiries or seek such advice as is necessary and, in particular, seek the advice of the Cambridgeshire Rent Service, to satisfy itself that condition 1.3 (b) is met.

1.3.1 Where condition 1.3 (b) is not met or not proven to the satisfaction of the Council, the owner may choose to make a landlord's application.

1.3.2 For the purposes of this paragraph a person with a right to exclusive occupation for life or more than five years may be counted as a tenant.

1.3.3 An application made under paragraph 1.1 (b) is called a "tenant's application".

1.4 For the purposes of paragraph 1.1 (c) "occupier" means the person legally in occupation of the qualifying houseboat or qualifying park home.

1.4.1 An application made under paragraph 1.1 (c) is called an "occupier's application".

1.5 An owner's application for repair assistance will not be considered a valid application unless it is accompanied by an owner-occupation certificate or a tenant nomination and rent setting agreement in respect of the dwelling to which the application relates or, in the case of an application to convert a

dwelling to form two or more properties, in respect of each of the dwellings provided.

- 1.5.1 An owner's application accompanied by a tenant nomination and rent setting agreement is called a "landlord's application".
- 1.6 A tenant's application for repair assistance will not be considered valid unless it is accompanied by a tenant's certificate and a statement of consent to the works signed by the person who at the time of the application is the landlord under the tenancy.
- 1.7 Except where the Council consider it to be unreasonable in the circumstances, an occupier's application will not be considered a valid application unless it is accompanied by an occupier's (repair assistance) certificate.

## **2.0 Determining a valid application for repair assistance – eligibility conditions**

### **Prior residency qualification**

- 2.1 Subject to paragraph 2.2, the Council will not normally approve an application for repair assistance accompanied by an owner-occupation certificate, a tenant's certificate or an occupier's certificate unless –
  - (a) the applicant (or, in the case of a joint application, one of the applicants) has had an owner's or a tenant's or an occupier's interest in the property for at least three years before the application is made; and
  - (b) has lived in the property as his only or principal residence for at least three years before the application is made
- 2.2 Any of the following will count toward meeting the requirements of paragraph 2.1:
  - 2.2.1 Where the applicant took his owner's interest or became a tenant or the occupier on the death of a member of his family and the applicant was living in the dwelling as his only or main residence immediately before the death of the deceased –
    - (a) any period when the deceased both held an owner's interest in or was a qualifying tenant or an occupier of the dwelling and lived in the dwelling as his only or main residence,
    - (b) if immediately before his death the deceased both held such an interest or was such a tenant or such an occupier and lived in the dwelling as his only or main residence, any period not exceeding one year when his personal representatives, or the Public Trustee under section 9 of the Administration of Estates Act 1925, held such an interest or was such a tenant,
    - (c) any period during which the deceased was absent from the dwelling because he was being cared for.

2.2.2 Where the applicant took his owner's interest or became a tenant or the occupier by virtue of a disposal made by a member of the family and –

- (i) the applicant was living in the dwelling as his only or main residence immediately before the disposal; and
- (ii) the disposal was made with the intention of allowing the person making the disposal to be cared for –

Any period ending on the date of the disposal when the person making the disposal held an owner's interest or was a qualifying tenant of the dwelling.

2.2.3 Where the applicant took his owner's interest or became a tenant or the occupier by virtue of a disposal made by the spouse of the applicant and the Council is satisfied that that the disposal was made as a result of arrangements in relation to divorce, judicial separation or the declaration of nullity of marriage, any period ending on the date of disposal when the spouse held an owner's interest or was a tenant.

2.2.4 Any period where the applicant was absent from the dwelling because he was being cared for.

2.3 The Council may dispense with the requirements of paragraph 2.1 if the work to which the application relates is –

- (a) to comply with a notice under sections 189 or 190 of the Housing Act 1985
- (b) to provide means of escape in case of fire or other fire precautions;
- (c) to provide two or more dwellings by conversion;
- (d) to a dwelling in council tax bands A, B or C where the dwelling is (or in the case of an intending buyer, will be) the first property the applicant has owned and the applicant lives (or intends to live) in the property as his only or main residence.

For the purposes of paragraph 2.3 (d), the Council may consider an applicant to be a first time owner if he has previously owned living accommodation with a partner and that living accommodation has been sold following divorce, judicial separation or the declaration of nullity of marriage and the sum received by the applicant from the sale is, in the opinion of the Council, not sufficient to purchase a suitable fit property within the District.

### **Purposes for which assistance may be approved**

2.4 The Council will not approve an application for repair assistance unless it is satisfied that the works are necessary for one or more of the following purposes:

- (a) to comply with any notice or order served in accordance with the Housing Health Safety Rating System (HHSRS) (part 1 of the Housing Act 2004).
- (b) to provide adequate thermal insulation;
- (c) to provide adequate and energy efficient facilities for space heating;
- (d) to provide satisfactory internal arrangements;



(e) to repair or replace a worn or broken essential service or to render the dwelling wind or water tight;

(f) to make a property secure;

(g) to take early measures to prevent the deterioration of a property;

(h) in the case of an empty property, to bring that property into a good, lettable condition.

2.4.1 Whether the work for which assistance is sought meets one or more of these purposes will be determined by a technical officer's survey.

2.4.2 Following the technical officer's survey the Council may, with the agreement of the applicant, vary the works to which the application relates to include or exclude certain works.

### **Factors to be taken into account when considering competing claims**

2.5 When deciding whether to approve or refuse an application for repair assistance the Council shall have regard to –

(a) whether the work to which the application relates is considered serious and urgent both in its own right and relative to any other applications and enquiries for repair assistance then before the Council for consideration;

(b) whether the work to which the application relates is considered serious or urgent relative to the general state of repair of dwellings in the District;

(c) the extent to which the work will benefit a household containing a person or persons in a priority category;

(d) the extent to which the work to which the application relates will provide or preserve accommodation for which there is local need;

(e) the extent to which the applicant can himself afford to pay for the work;

(f) the extent to which the applicant's own resources may potentially be used to resolve the repair problem or resolve any adverse consequences of the repair problem.

For the purposes of this paragraph, "serious" means the failure or prospective failure of an essential element or service of a dwelling.

For the purposes of this paragraph "urgent" means the repair is needed in the short term having regard to both the dwelling and the needs of the household.

2.5.1 When considering the matters referred to in paragraphs 2.5 (a) and 2.5 (b) regard will principally be had to the technical officer's survey and to any scoring system the Council may use or introduce.

2.5.2 For the purposes of 2.5 (c), "a person or persons in a priority category" means:

- (a) persons who are over the age of 60 or are infirm or disabled;
- (b) persons who are children, especially children under five years old;
- (c) persons in housing need;
- (d) persons who are first time owners of a dwelling where the dwelling is in council tax bands A, B or C and is, or is intended to be used as, their only or main residence.

2.5.3 For the purposes of 2.5 (d), “accommodation for which there is local need” will be determined with regard to the Council’s housing needs register, the Council’s housing needs survey and any other appropriate source of intelligence.

2.5.4 For the purposes of 2.5 (e), “the extent to which the applicant can himself pay for the work” will be determined with regard to sections 4 and 5 of Chapter 2 of the Policy.

2.5.5 For the purposes of 2.5 (f), the “applicant’s own resources” will include any free equity in the dwelling against which a loan from a private lender may be secured or which may be used to buy a fit property suitable for the needs of the applicant and his household.

2.6 Except where paragraph 2.7 applies, the Council will notify in writing an applicant who has submitted, in the Council’s opinion, a valid application for repair assistance whether that application is approved or refused.

2.6.1 Notification will be made according to the provisions of Section 6 of Chapter 2 of the Policy.

2.7 Where any application for repair assistance is not refused, the Council will only approve the application where sufficient funds exist in the budget approved for that purpose.

2.7.1 Where an application is not approved under this paragraph, the Council will so notify the applicant in writing that this is the case at the same time notify the applicant that the application will be –

(a) approved on a stated date not more than six months forward from the date of notification; or

(b) with the agreement of the applicant, reconsidered as soon as practicable after funds become available and in any case not less than six months forward from the date of notification.

2.7.2 If the application is reconsidered under 2.7.1 (b), in so far as it remains a valid application it may only be reconsidered with regard to the matters mentioned at paragraph 2.5.

### **Work started or finished before assistance is approved**

2.8 Subject as follows, the Council will not approve an application for repair assistance if the works to which the application relates have been started before the application is approved.

- 2.8.1 Where the works to which the application relates have been started but not finished, the Council may approve the application if it was satisfied that there were good reasons for starting the works before assistance was approved.
- 2.8.2 Where the Council decides to approve an application in accordance with subparagraph 2.8.1, it may, with the consent of the applicant, treat the application as varied so as to exclude the works that are completed.
- 2.9 Unless an application for repair assistance is in respect to work to –
- (a) to comply with notices under the Housing Health and Safety Rating System (HHSRS) Housing Act 2004, or
  - (b) to enable a dwelling to meet one or more of the requirements of section 352 (1A) of the Housing Act 1985

The Council will not approve an application for repair assistance if the works to which the application relates have been completed before the application is approved.

### **Amount of assistance approved**

- 2.10 Where the Council approves an application for repair assistance accompanied by an owner-occupation certificate, a tenant's certificate or an occupier's certificate, the amount and type of assistance approved will be calculated according to the provisions of sections 4, 6 and 7 of Chapter 2 of the Policy.
- 2.11 Where the Council approves a landlord's application for repair assistance, the amount and type of assistance approved will be calculated according to the provisions of section 5, 6 and 7 of Chapter 2 of the Policy.
- 2.12 Any award of repair assistance over £20,000 will be required to be endorsed by the Head of Housing Services.

### **3.0 Landlord's grants – special eligibility conditions**

- 3.1 The Council may approve a landlord's application for repair assistance and may do so having regard to any of the factors mentioned in paragraph 2.5 but will in particular have regard to factors 2.5 (c) and 2.5 (d).
- 3.2 The Council may approve an application for repair assistance for a tenanted property in the following circumstances –
- (a) where accommodation is let on a statutory tenancy; or
  - (b) where accommodation is let at a market rent and subject to a repair notice under sections 189 and 190 of the Housing Act 1985.
- 3.2.1 Where 3.2 (a) applies, assistance will not normally be approved if the dwelling to which the application relates forms part of a larger holding such as a property portfolio or an agricultural estate and there is the potential to cross-subsidise.
- 3.2.2 Where 3.2 (b) applies, in deciding whether to approve assistance the Council shall have regard, above all, to the matter mentioned at subparagraph 2.5 (d)

3.3 Approval under paragraph 3.2 may be made on the condition that the owner enter into an agreement with the Council under which –

- (a) in the event of a vacancy the Council may nominate a tenant to the property, and
- (b) where a market rent is passing or is proposed to be charged, the Council will agree the maximum amount of rent the owner charges or proposes to charge under the tenancy.

3.3.1 Where the owner does enter into an agreement with the Council that agreement will be for a minimum of five years and will be subject to the conditions described in paragraph 9.9 of Chapter 2 of the Policy.

3.4 The Council may approve an application for repair assistance to a property that is empty at that time.

3.5 Approval under paragraph 3.4 shall be made on the condition that the owner shall enter into an agreement with the Council under which –

- (a) the Council may nominate a tenant to the property;
- (b) the Council shall agree the maximum amount of rent the owner will charge under the tenancy.

3.5.1 Where the owner does enter into an agreement with the Council that agreement will be for a minimum of five years and will be subject to the conditions described in paragraph 9.9 of Chapter 2 of the Policy.

#### **4.0 The means test – owner-occupier’s, tenant’s and occupier’s applications**

4.1 This section applies to an application for repair assistance which is –

- (a) an owner’s application accompanied by an owner-occupation certificate; or
- (b) a tenant’s application; or
- (c) an occupier’s application.

4.2 Subject to paragraph 4.4, if, in the case of an application made under this section, the financial resources of the relevant party or parties exceed the applicable amount, the amount of any assistance which may be paid shall be reduced from what it otherwise would have been.

4.3 With regard to paragraph 4.2 “relevant party or parties” means -

4.4 In the case of an owner’s application:

- (a) the applicant; and
- (b) the applicant’s partner (if any); and

(c) any other person with an owner's interest in the dwelling to which the application relates.

4.5 In the case of a tenant's application, the applicant and his partner (if any) or, in the case of a joint tenancy, each tenant and his partner (if any).

4.6 In the case of an occupier's application:

(a) the applicant; and

(b) the applicant's partner (if any); and

(c) any other person who is entitled to dispose of the houseboat or park home.

4.7 With regard to paragraph 4.2 the extent to which "the amount of any assistance which may be paid shall be reduced" shall be calculated according to the provisions of the Housing Renewal Grants Regulation 1996, as amended, but using actual housing costs (where appropriate) rather than the housing allowance (subparagraphs 4.4.1 and 4.4.2) and ignoring as income any payment of child tax credit (subparagraph 4.4.3).

4.8 When, in any case, the actual housing costs of the applicant or applicants exceed the housing allowance then in force under the Housing Renewal Grants Regulation 1996, the housing allowance will be calculated according to the actual housing costs.

4.9 With regard to 4.4.1, "actual housing costs" will be determined according to, in the case of a repayment mortgage, the weekly amount the applicant is repaying on the principal plus any interest charges and net of any insurances and other costs and, in the case of an interest-only mortgage, the weekly cost of the interest on the principal plus the weekly cost of any endowment policy expressly entered into for the purposes of repaying the principal.

4.10 Where child tax credit forms a part of household income the amount due to that credit is to be ignored.

4.11 With regard to paragraph 4.2, the "amount of any assistance which may be paid" refers to the full cost of the works calculated according to paragraph 7.4 of Chapter 2 of the Policy.

4.12 Paragraph 4.2. will not apply if at the time the application is made either the applicant or the applicant's partner (if any) is in receipt of one or more of the following;

(a) income support;

(b) income-based job-seeker's allowance;

(c) housing benefit;

(d) guarantee credit of pensions credit;

(e) working tax credit where gross taxable income is less than £15,050

(f) income related Employment Support Allowance

(g) universal credit

- 4.13 No other person has an owner's or a tenant's or an occupier's interest in the dwelling; or
- 4.14 Each and every other person with an owner's or a tenant's or an occupier's interest in the dwelling is, at the time the application is made, in receipt of one of the benefits or credits mentioned in this paragraph.
- 4.15 Here the condition as to the receipt benefits or credits under subparagraph 4.6.2 is not met by any person having an owner's, tenant's or occupier's interest in the property the provisions of paragraph 4.2 will apply to that person.

## **5.0 The means test – landlord applications**

- 5.1 Subject to paragraph 5.3, where the Council approve an application for repair assistance made under section 3 of Chapter 2 of the Policy (landlord applications), the amount of any assistance which may be paid shall be reduced from what it otherwise would have been by consideration of the higher rent the landlord may charge due to the works to which the application relates.
- 5.2 With regard to paragraph 5.1, the amount by which any grant awarded will be reduced (R) will be calculated according to the formula:

$$R = (a - b) \times 0.7 \times 50 \times 5$$

Where -

- "a" is the notional rental figure after the works.
- "b" is the notional rental figure before the works.
- (a – b) is the notional weekly rise in rental income due to the eligible works
- 0.7 is the proportion of the rise in rental income to be counted as available capital
- 50 is the notional number of weeks each year that rent is received
- 5 is the minimum number of years of an agreement entered into under subparagraph 3.3.1 or paragraph 3.6 of this Chapter.

The amount of repair assistance awarded (A) (if any) will be calculated according to the formula:

$$A = C - R$$

Where C is the full cost of the approved works calculated according to paragraph 7.4 of Chapter 2 of the Policy.

- 5.2.1 In deciding the notional rent before and after the works are carried out the Council will seek the advice of the Cambridgeshire Rent Service.
- 5.3 Where the product of the calculation described in paragraph 5.2 is a figure that, in the opinion of the Council, does not provide good value for money, the Council may offer a lesser amount of assistance.
- 5.3.1 Under this paragraph "value for money" shall be determined with particular regard to the matters referred to in subparagraphs 2.5 (c) and 2.5 (d).

## **6.0 Determination of whether to award a loan or a grant**

6.1 Where the Council has decided to approve an application for repair assistance, whether that assistance is made as a grant or a loan or some combination thereof will be determined according to the provisions of this section.

6.2 In the case of an owner's application accompanied by an owner's certificate and an occupier's application assistance will be made in the form of a loan.

6.2.1 The Council may decide not to take into account any charge secured on the property where any equity thereby released was used to finance goods or services not relating to the repair or maintenance of that property and it appears to the Council either that–

(a) the equity released would more appropriately have been spent on the repair and maintenance of the property, or

(b) the charge was placed on the property with the intention of affecting the outcome of the calculation of whether assistance is made as a grant or a loan.

6.3 In the case of a tenant's application the amount of assistance made will be in the form of a grant.

6.4 In the case of a landlord's application, the amount of assistance will be made in the form of a grant.

## **7.0 Determination and notification of amount and type of assistance**

7.1 Where the Council has decided either to approve or refuse an application for repair assistance, it will notify the applicant of the outcome no later than one calendar month after the date of valid application.

7.2 If the application is refused, the Council will notify the applicant of the reasons for the refusal and inform the applicant of the Council's review procedure.

7.3 If the application is approved the notice will –

(a) specify the works for which assistance is approved (the "approved works");

(b) specify the full cost of the works for which assistance is approved;

(c) specify the applicant's contribution (if any);

(d) specify the amount of assistance that is approved (the "approved amount");

(e) specify, as appropriate, the amount of assistance that is to be made as a loan and the amount of assistance that is to be made as a grant;

(f) provide a statement of the conditions to which assistance is subject;

(g) make a formal offer of assistance.

7.4 For the purposes of subparagraph 7.3 (b), “the full cost of the works” is -

(a) the cost of the building works; plus

(b) the cost of any approved preliminary or ancillary services and charges.

7.4.1 With regard to 7.4 (a), unless the Council decides otherwise, “the cost of the building works” will be the cost of the lower (or if more than two, the lowest) of the quotes that accompanied the application, whether or not that contractor is the contractor that carries out the work.

7.4.2 With regard to 7.4 (b), “approved preliminary or ancillary services and charges” , means any charges agreed by the Council to be necessary for the preparation and execution of the approved works and may include –

(a) fees necessary to establish ownership of the dwelling;

(b) architect’s fees;

(c) quantity surveyor’s fees;

(d) Cambs Home Improvement Agency fees;

(e) property valuation fees;

(f) any other fees the Council may decide in any particular case.

7.5 With regard to 7.3 (c) –

7.5.1 In the case of an application accompanied by an owner-occupation certificate or a tenant’s certificate or an occupier’s certificate, the applicant’s contribution will be the amount determined according to the provisions of section 4 of Chapter 2 of the Policy.

7.5.2 With regard to a landlord’s application, the applicant’s contribution will be determined according to the provisions of section 5 of Chapter 2 of the Policy.

7.6 If, after an application for repair assistance has been approved the Council is satisfied that owing to circumstances beyond the control of the applicant the work cannot be completed for the approved amount, the Council may re-determine the approved amount.

7.7 If, for any reason, the approved works under subparagraph 7.3 (a) are required to be varied, such variation will only be made according to the provisions of article 5 (6) of the Order.



## **8.0 Payment of repair assistance and conditions for repayment**

8.1 No payment of repair assistance will be made unless the applicant has returned to the Council a copy of the terms and conditions under which the award will be made signed by all persons with an owner's interest in the dwelling stating that the said terms and conditions are understood and accepted.

8.2 The Council may pay repair assistance –

(a) in whole after the work has been completed; or

(b) in part by instalments

8.2.1 Where repair assistance is paid in instalments, the aggregate of instalments paid before the works are completed shall not exceed 90% of the approved amount.

8.3 It is a condition of payment of repair assistance that the approved works are carried out within 12 months from the date of approval unless the Council agree otherwise in any particular case.

8.4 The payment of repair assistance is conditional on –

(a) the approved works being carried out to the satisfaction of the Council, and

(b) the Council being provided with an acceptable invoice or receipt for payment for the building works and for any other approved services and charges, and

(c) the work being carried out by a contractor whose quote accompanied the application unless the Council agree otherwise by prior notification in any particular case.

8.5 Where the Council agrees to the work being carried out by a member of the family of the applicant, payment will be made only for the cost of materials.

8.6 The Council will pay repair assistance –

(a) directly to the contractor, or

(b) to the applicant as a cheque made payable to the contractor.

8.7 Where the approved work has not been carried out to the satisfaction of the applicant the Council may, at the request of the applicant and if it considers it to be reasonable, withhold payment.

8.8 Where an award of repair assistance has been approved but before the date on which the works are certified as having been completed to the satisfaction of the Council (the "certified date") –

(a) if it subsequently appears to the Council that the applicant was not, at the time of approval, entitled to the award, or

(b) if the applicant has ceased to be a person entitled to the award,

then no award will be payable or, as the case may be, no further payment will be made.

In the case of a joint application, the provisions of this paragraph do not apply unless all the applicants who were so entitled to the award cease to be entitled.

8.8.1 Where this paragraph applies, the Council may demand that any payment of repair assistance which has been made is repaid, together interest on that amount from the date on which it was paid until the date of repayment, at such reasonable rates as the Council may determine.

8.8.2 For the purposes of this paragraph, an applicant is a person not entitled to repair assistance if, at the time of the application or any time before the certified date, he –

(a) did not have the required owner's, qualifying tenant's or occupier's interest in the property, or

(b) did not have the intention specified in the owner's, qualifying tenant's or occupier's certificates that accompanied the application, or

(c) in the case of a landlord's application, has failed to enter into an agreement under paragraphs 3.3 or 3.5 of Chapter 2 of the Policy or has given the Council good cause to think he will not enter into such an agreement.

8.9 Where an award of repair assistance has been approved but –

(a) the amount of the award was determined on the basis of inaccurate or incomplete information with regard to sections 4 or 5 of Chapter 2 the Policy, or

(b) the approved works were started before the award was approved without the consent of the Council, or

(c) the eligible works were not completed to the satisfaction of the Council within the period specified in paragraph 8.3 or any extended period agreed under the provision of that paragraph, or

(d) the work was not carried out by a contractor whose quote accompanied the application, or the Council was not made aware that the contractor that carried out the works is a member of the applicant's family,

then the Council may –

(i) refuse to pay repair assistance or, as the case may be, any further instalment of repair assistance, or

(ii) re-determine the amount of repair assistance

and may in both cases demand that any payment of repair assistance which has been made is repaid, together with interest from the date on which it was paid until the date of repayment, at such reasonable rates as the Council may determine.

## **9.0 Repair Assistance conditions**

9.1 This section will apply when an owner's or an occupier's application for repair assistance has been approved by the Council and an offer made to the applicant which the applicant has accepted.

9.1.1 Under this section –

“property” means the property to which the application relates

“award” means repair assistance loan or repair assistance grant;

“loan” means repair assistance loan;

“grant” means repair assistance grant;

“grant condition period” means a period of five years from the certified date or, in the case of a landlord's application for such period as may be agreed to in the tenant nomination and rent setting agreement;

“award notice” means the notice sent to the grant applicant notifying him that the award has been allocated to him and may now be drawn upon.

“effective date” means the date on which the award notice is issued by the Council;

“certified date” means the date on which the approved works are certified as completed to the satisfaction of the Council;

9.2 It is a condition of an award that the applicant shall enter into a legal agreement with the Council to secure such award either by way of legal charge on the property or in such other manner as the Council's Head of Legal and Estates shall require.

9.3 It is a condition of an award that if the owner of the property makes a relevant disposal (other than an exempt disposal) –

(a) of the whole or part of the property,

(b) after the effective date, and

(c) before the certified date,

He shall repay to the Council on demand the amount of award, if any, that has been paid.

9.4 It is a condition of a loan that if the owner of the property or, in the case of a loan made to convert a premises to provide two or more dwellings, any dwelling provided by the approved works, makes a relevant disposal (other than an exempt disposal) –

(a) of the whole or part of the dwelling,

(b) on or after the certified date,

He shall repay to the Council on demand the amount of the loan that has been paid.

9.5 It is condition of a grant that if the owner of the property or, in the case of a grant made to convert a dwelling to provide two or more dwellings, any dwelling provided by the approved works, makes a relevant disposal (other than an exempt disposal) –

- (a) of the whole or part of the dwelling,
- (b) on or after the certified date,
- (c) before the end of the grant condition period

He shall repay to the Council on demand the amount of the grant that has been paid.

In the case a landlord's grant, the provisions of this paragraph will not apply in a case where the successor in title is prepared to continue the arrangements entered into under the tenancy nomination and rent setting agreement.

9.5.1 A condition under this paragraph may be registered as a local land charge binding on any person who is for the time being an owner of the dwelling.

9.6 Where the Council has the right to demand repayment under paragraphs 9.3, 9.4 or 9.5, it may determine not to demand payment or to demand a lesser amount if:

- (a) the owner, or any member of the owner's family who lives in the dwelling as their only or main residence, is aged 60 or over, or is infirm, and
- (b) the disposal is being made for the purpose of enabling that person who is aged 60 or over, or is infirm to be cared for, and
- (c) The Council is satisfied that such arrangements for the care of that person who is aged 60 or over, or is infirm will not otherwise be possible.

9.7 Where the Council has the right to demand repayment under paragraphs 9.3, 9.4 or 9.5, it may determine not to demand payment or to demand a lesser amount if

- (a) the sale is made to enable the owner or his partner to take up employment and the Council is satisfied that the offer would otherwise not be able to be accepted, or
- (b) the sale is by a mortgagee and the mortgage was entered into before the award was made, or
- (c) The Council is satisfied that the human rights of the owner will otherwise be infringed.

9.8 Where an application for an award was accompanied by –

- (a) an owner-occupier's certificate, or
- (b) an occupier's certificate, and

The award or any part thereof was approved as a loan; it is a condition of the loan that the dwelling is occupied in accordance with the intention stated in the certificate.

- 9.8.1 It is also a condition of the loan that if at any time when that condition is in force the Council serve notice on the owner or the occupier of the dwelling requiring him to do so, he will within 21 days beginning with the date on which the notice was served provide the Council with a statement showing how that condition is being fulfilled.
- 9.8.2 A condition under this paragraph may be registered as a local land charge binding on any person who is for the time being an owner of the dwelling.
- 9.8.3 In the event of a breach of a condition under this paragraph, the owner or the occupier for the time being of the dwelling shall on demand repay to the Council the amount of the loan together with compound interest on that amount as from the certified date or, if it seems to the Council to be more appropriate, from the date on which the breach may reasonably be assumed to have first taken place, calculated at such reasonable rates as the Council may determine and with yearly rests.
- 9.8.4 The Council may determine not to make a demand under subparagraph 9.8.3 or demand a lesser amount in any particular case if it is satisfied that there is good reason why the condition has not been met.

9.9 Where an application for an award was accompanied by –

- (a) an owner-occupation certificate, or
- (b) an occupier's certificate, or
- (c) a certificate of intended letting, or
- (d) an agreement under sections 3.3 or 3.5 of Chapter 2 of the Policy, and

The award or any part thereof was approved as a grant; it is a condition of the grant that throughout the grant condition period the dwelling is occupied in accordance with the intention stated in the certificate or, in the case of 9.9 (d), the agreement.

- 9.9.1 It is also a condition of the grant that if at any time when that condition is in force the Council serve notice on the owner or the occupier of the dwelling requiring him to do so, he will within 21 days beginning with the date on which the notice was served furnish to the Council a statement showing how that condition is being fulfilled.
- 9.9.2 A condition under this paragraph may be registered as a local land charge binding on any person who is for the time being an owner of the dwelling.
- 9.9.3 In the event of a breach of a condition under this paragraph, the owner or the occupier for the time being of the dwelling shall on demand repay to the Council the amount of the grant together with compound interest on that amount as from the certified date, calculated at such reasonable rates as the Council may determine and with yearly rests.

9.9.4 The Council may determine not to make a demand under subparagraph 9.9.3 or demand a lesser amount in any particular case if it is satisfied that there is good reason why the condition has not been met.

9.10 Where, under paragraphs 9.6, 9.7, 9.8, or 9.9 an owner makes an application that the amount of the award should not be repaid or, as the case may be, some lesser amount than the approved amount should be repaid, that application shall be made in writing to the Council's Head of Housing Services who may –

- (a) refuse such an application, or
- (b) Recommend that the Council's Head of Revenue Services approve such an application.

9.10.1 Where subparagraph 9.10 (a) applies, the Head of Housing Services will –

- (a) give the owner his reasons in writing why the application has been refused, and
- (b) inform the owner of his rights under the Council's complaint procedure and the local authority Ombudsman procedure, and
- (c) He will do so within 30 days of having made such enquiries and requested such evidence as he thinks is necessary to determine the application.

9.10.2 Where subparagraph 9.10 (b) applies –

- (a) the Head of Housing Services will make his recommendation to the Head of Revenue Services within 14 days of having made such enquiries and requested such evidence as he thinks is necessary to make his recommendation, and
- (b) the Head of Revenue Services will inform the Head of Housing Services in writing of his decision within 14 days of having made such enquiries and requested such evidence as he thinks is necessary to make his recommendation, and
- (c) The Head of Housing Services will, no later than seven days after receiving such a written response, then give the owner the reasons in writing why the application has been refused or approved and, if it is refused, inform the owner of his rights under the Council's complaint procedure and the local authority Ombudsman procedure.

9.11 Where the Council approves an application for an award, it may impose on the applicant or any person who is for the time being the owner of the property any reasonable condition so long as –

- (a) any such condition is approved by the Head of Housing Services and the Portfolio Holder for Housing, and
- (b) any such condition is made according to the provisions of article 3 (4) of the Order, and
- (c) The applicant has given his signed consent to such a condition.

9.12 Here any such condition imposed under this paragraph 9.11 may be registered as a local land charge and in the event of a breach the Council may require the amount of the award to be repaid, together with compound interest on that

amount as from the date of payment, calculated at such reasonable rate as the Council may determine and with yearly rests.

### **Meaning of relevant disposal**

9.13 For the purposes of this Policy, a disposal is a relevant disposal if it is –

- (a) a conveyance of the freehold or an assignment of the lease, or
- (b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent, or
- (c) In the case of a mobile home or a houseboat, the sale, pledge or assignment of the mobile home or houseboat.

9.13.1 For the purpose of subparagraph 9.13 (b), it shall be assumed –

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

9.13.2 The grant of an option calling for a person to make a relevant disposal shall be treated as such a disposal made to him.

### **Meaning of exempt disposal**

9.14 For the purposes of this Policy, a disposal is an exempt disposal if it is the disposal of the whole or part of the dwelling to which the award relates of any of the following descriptions –

- (a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person (as defined in subparagraph 9.14.2);
- (b) a vesting in a person taking under a will or on a intestacy provided the person intends to continue to live in the property as their principle home (July 2007);
- (c) a disposal in pursuance of any such order as is mentioned in subparagraph 9.14.3;
- (d) a compulsory disposal (see subparagraph 9.14.4);
- (e) a disposal of property consisting of land included in the dwelling by virtue of section 184 of the Housing Act 1985 (land let with or used for the purposes of the dwelling house);
- (f) a disposal under which the interest of a person entitled to assistance by way of repurchase under Part XVI of that Act (assistance for owners of defective housing) is acquired in accordance with section 20 of that Act;
- (g) a disposal by way of enfranchisement or lease extension under part 1 of the Leasehold Reform Act 1967;

- (h) a disposal in pursuance of an obligation arising under Chapter I or II of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993;
- (i) a disposal on the exercise of a right of first refusal under Part 1 of the Landlord and Tenant Act 1987 or in accordance with an acquisition order under Part III of that Act;
- (j) a disposal on the exercise of -
  - (l) The right to buy under Part V of the Housing Act 1985, or
  - (ii) The right conferred by section 16 of the Housing Act 1996 (right of tenant of registered social landlord to acquire dwelling);
- (k) a conveyance of the freehold or an assignment of the lease where -
  - (l) the person making the disposal is aged at least 70,
  - (ii) The disposal is to provide an annuity income, and
  - (iii) The person concerned is entitled to continue to occupy the premises as his only or main residence.

9.14.1 A person is a qualifying person for the purposes of paragraph 9.14 (a) if -

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

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

9.14.2 The orders referred to in subparagraph 9.14 (c) are orders under -

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

9.14.3 For the purposes of paragraph 9.14 (d) a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made, a compulsory purchase order authorising its compulsory purchase for the purposes for which it is acquired.



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

### **Cessation of repayment conditions**

9.15 If at any time while a condition of an award remains in force with respect to a dwelling –

- (a) the owner of the dwelling to which the condition relates pays the amount of the grant to the local housing authority by whom the grant was made,
- (b) a mortgagee of the interest of the owner in that dwelling being a mortgagee entitled to exercise a power of sale, makes such a payment,
- (c) the local housing authority determine not to demand repayment on the breach of a grant condition, or
- (d) the authority demand repayment in whole or in part on the breach of a grant condition and that demand is satisfied,

That grant condition and any other grant conditions shall cease to be in force with respect to that dwelling.

9.16 An amount paid by a mortgagee under subsection (9.15) (b) above shall be treated as part of the sums secured by the mortgage and may be discharged accordingly.

9.17 The purposes authorised for the application of capital money by-

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

include the making of payments under this section.

## 10.0 Boiler replacement scheme

10.1 When older and vulnerable people on low incomes experience a failure in their heating systems, this should be rectified in a planned way and can be funded by Eco under the Green Deal. However, if identified in an emergency situation, it is important that the heating system is reinstated quickly. This is especially important during the winter months given the detrimental impact on older and vulnerable people's health associated with cold homes. While there is also the capacity within the policy/budget (via Repairs Assistance) to undertake planned boiler replacement and repairs, there is currently no provision for emergency works. Extending the provision of this policy/budget to include replacement boilers for low cost emergency works would ensure that the Council is making provision for vulnerable households who experience complete heating failure. Repairs below £500 however, can be carried out through a fund held by Environmental Health with direct referrals made by the to the scheme in emergency cases.

10.2 Boiler replacements will be available at costs up to a maximum of £3,000.

10.3 Eligibility: – Owner occupiers are subject to the following conditions:

- Conditions:– Boiler has stopped working, is not repairable been officially confirmed as obsolete or condemned by a Gas Safe registered contractor.
- Applicant has passed a means test (same as for Repairs Assistance) or is on a qualifying passporting benefit as 4.12.
- Applicant must not be eligible for other assistance such as Green Deal, ECO or other schemes.
- Two estimates will be sought from Gas Safe registered contractors.

10.4 The Council will, were appropriate, pay the clients contribution under Green Deal (Eco).

10.5 Payment:- The grant will be paid following installation, commissioning, a satisfactory inspection and upon receipt of an invoice.

# **Chapter 3:**

## **Disabled facilities assistance**

## **1.0 Introduction**

- 1.1 The Council will consider valid applications for disabled facilities assistance.
- 1.2 In accordance with section 1.4 of Chapter 1 of the Policy, Huntingdonshire disabled facilities assistance may be made to any person to allow him to carry out any of the purposes specified in section 2.1 (a), (b) and (c) of Chapter I of the Policy where the main aim of the work is to benefit a disabled occupant and to achieve any of the purposes mentioned in section 23 (1) of the 1996 Act or to otherwise make the dwelling suitable for the accommodation, welfare and employment of a disabled person.
- 1.3 Applications made for any of the purposes mentioned in section 23 (1) of the 1996 Act (the purposes for which an application for disabled facilities grant must be approved) will be called “top up assistance”.
  - 1.3.1 Applications for top up assistance will be made according to the provisions of section 2 of Chapter 3 of the Policy.
- 1.4 Top-Up Assistance for children’s DFG’s will be subject to a means test because the means test on the mandatory element has recently been abolished by Government. (June 2006)
- 1.5 Property Owners will be subject to the means test for Top-Up Assistance for adult DFG’s where the disabled person is not the property owner but is the beneficiary of the DFG. (July 2007)
- 1.6 Applications made for any purpose not mentioned in section 23 (1) of the 1996 Act but to make the dwelling suitable for the accommodation, welfare and employment of a disabled person will be called “special purposes assistance”
  - 1.6.1 Applications for special purposes assistance will be made according to the provisions of section 3 of Chapter 3 of the Policy.

## **2.0 Top up assistance**

### **Eligibility**

- 2.1 Where, under this Chapter, an application is made for top up assistance, it will not be considered to be a valid application unless –
  - (a) the applicant is a person who has made a valid application for a disabled facilities grant under Chapter 1 of Part 1 of the 1996 Act as amended, and
  - (b) the application for disabled facilities grant has been approved, or the application is capable of being approved and approval is pending, and
  - (c) the amount of disabled facilities grant (as defined by section 34 (3) (c) of the 1996 Act) that is approved or is likely to be approved will exceed the maximum amount of that grant then permitted by order of Secretary of State under section 33 (3) (a) of the 1996 Act.

2.2 Where top up assistance is approved as a grant, no further information than has been necessary to determine the application for disabled facilities grant will be required from an applicant.

2.3 Where top up assistance is approved as a grant, the provisions relating to its administration and, as appropriate, its repayment will be identical to that for disabled facilities grant awarded under the 1996 Act.

2.4 Where top up assistance is approved as a loan, the provisions relating to its administration and, as appropriate, its repayment will be identical to that for disabled facilities grant awarded under the 1996 Act except as provided under section 4 of this Chapter.

2.5 Approval of any award of top up assistance over £15k is delegated to the Head of Housing Services. (June 2006)

### **Determination of whether top up assistance is a grant or a loan**

2.6 Top up assistance will be in the form of a grant unless –

- (a) the application is accompanied by an owner's certificate, and
- (b) the disabled occupant is a member of the owner's family, and
- (c) the works (including those provided under the award of disabled facilities grant) will, in the opinion of the Council, enhance the capital value of the dwelling by an amount at least equivalent to the amount of top up assistance awarded,

in which case top up assistance will be in the form of a loan.

2.6.1 Any decision to award a loan made according to this paragraph will be notified to the applicant in writing, together with a statement of any conditions that may apply under section 4 of this Chapter.

2.6.2 No loan will be made unless the applicant returns a signed form of acceptance to the conditions detailed in the statement of conditions.

2.6.3 Any decision to award a loan made according to this paragraph may be appealed according to the procedure described in section 2 of Chapter 4 of the Policy.

2.6.4 In the case of an appeal made on the ground that the work does not enhance the capital value of the property to the extent described in 2.6 (d), the applicant may seek the advice of a property valuation specialist approved of by the Council the cost of which advice may, with the prior approval of the Council, be added to any award of top up assistance subsequently made.

### **3.0 Special Purpose Assistance**

3.1 Where, under this Chapter, an application is made for special purpose assistance it will not be considered a valid application unless –

- (a) It is for the purposes mentioned in section 23 (2) of the 1996 Act, and

(b) the application is accompanied by a recommendation from an occupational therapist that the works are necessary for the accommodation, welfare or employment of the disabled occupant.

3.2 No application for special purposes assistance will be approved where to provide such assistance would, in the opinion of the Council, prevent or significantly delay the award of assistance to a person having a right to apply for a disabled facilities grant or top up assistance.

3.2.1 Any decision under this paragraph shall be with regard to the budget set aside for the purpose of making grants to disabled persons.

3.3 Any award of special purpose assistance will be made in the form of a loan.

3.4 Any decision to award a loan made according to this paragraph will be notified to the applicant in writing, together with a statement of any conditions that may apply under section 4 of this Chapter.

3.5 No loan will be made unless the applicant returns a signed form of acceptance to the conditions detailed in the statement of conditions.

#### **4.0 Disabled facilities assistance loan conditions**

4.1 This section will apply when an application for disabled facilities assistance has been approved by the Council in the form of a loan and an offer made to the applicant which the applicant has accepted.

4.2 Under this section –

“property” means the dwelling to which the application relates;

“loan” means top up loan or special purposes loan;

“award notice” means the notice sent to the grant applicant notifying him that the award has been allocated to him and may now be drawn upon.

“effective date” means the date on which the award notice is issued by the Council;

“certified date” means the date on which the approved works are certified as completed to the satisfaction of the Council;

“relevant disposal” has the same meaning as in paragraph 9.12 of Chapter 2 of the Policy;

“exempt disposal” has the same meaning as in paragraph 9.13 of Chapter 2 of the Policy.

4.3 It is a condition of a loan that the applicant shall enter into a legal agreement with the Council to secure such loan either by way of legal charge on the property or in such other manner as the Council’s Head of Legal and Estates shall require.

4.4 It is a condition of a loan that if the owner of the property makes a relevant disposal (other than an exempt disposal) –

(a) of the whole or part of the premises to which the application relates,

(b) after the effective date, and

(c) before the certified date,

he shall repay to the Council on demand the amount of award, if any, that has been paid.

4.5 It is a condition of a loan that if the owner of the property makes a relevant disposal (other than an exempt disposal) –

(a) of the whole or part of the dwelling,

(b) on or after the certified date,

he shall repay to the Council on demand the amount of the loan that has been paid.

4.6 A condition under paragraphs 4.4 or 4.5 may be registered as a local land charge binding on any person who is for the time being an owner of the property.

4.7 Where the Council has the right to demand repayment under paragraphs 4.4 or 4.5, it may determine not to demand payment or to demand a lesser amount if –

(a) the owner, or any member of the owner's family who lives in the dwelling as their only or main residence, is aged 60 or over, or is infirm, and

(b) the disposal is being made for the purpose of enabling that person who is aged 60 or over, or is infirm to be cared for, and

(c) the Council is satisfied that such arrangements for the care of that person who is aged 60 or over or is infirm will not otherwise be possible.

4.8 Where the Council has the right to demand repayment under paragraphs 4.4 or 4.5 it may determine not to demand payment or to demand a lesser amount if –

(a) the sale is made to enable the owner or his partner to take up employment and the Council is satisfied that the offer would otherwise not be able to be accepted, or

(b) the sale is by a mortgagee and the mortgage was entered into before the award was made, or

(c) the Council is satisfied that the human rights of the owner will otherwise be infringed

4.9 Where, under paragraph 4.7 and 4.8 the owner makes an application that the loan should not be repaid or, as the case may be, some lesser amount than the approved amount be repaid, the application will be made in writing to the Council's Head of Housing Services who may –

(a) refuse such an application, or

(b) recommend that the Council's Head of Revenue Services approve such an application.

4.10 Where subparagraph 4.9 (a) applies, the Head of Housing Services will –

- (a) give the owner his reasons in writing why the application has been refused, and
- (b) inform the owner of his rights under the Council's complaints procedure, and
- (c) he will do so within 30 days of having made such enquiries and requested such evidence as he thinks is necessary to determine the application.

4.11 Where subparagraph 4.9 (b) applies–

(a) the Head of Housing Services will make his recommendation to the Head of Revenue Services within 14 days of having made such enquiries and requested such evidence as he thinks is necessary to make his recommendation, and he will do so in writing to the Head of Housing Services within 14 days, and

(b) the Head of Revenue Services will inform the Head of housing Services in writing of his decision within 14 days of having made such enquiries and requested such evidence as he thinks is necessary to make his recommendation, and

(c) the Head of Housing Services will, no later than seven days after receiving such a written response, then give the owner the reasons in writing why the application has been refused or approved and, if it is refused, inform the owner of his rights under the Council's complaint procedure and the local authority Ombudsman procedure.

## **5.0 Disabled persons' relocation grant**

5.1 Applications for assistance made for the purpose described under article 3 (1) (a) of the Order (assistance to enable a person to acquire living accommodation) may be approved to enable a person to move to more suitable accommodation (up to a maximum amount of **£5,000**) if –

- (a) advice has been received from the social services authority under section 24 (3) (a) of the 1996 Act, and
- (b) the adaptation recommended by the social services authority is for any of the purposes mentioned in section 23 (1) of the 1996 Act, and
- (c) in the Council's opinion the disabled person's existing accommodation is unsuited to being adapted in the manner advised due to the matters mentioned in section 24 (3) (b) of the 1996 Act or due to cost or to social reasons, and
- (d) the aggregate cost of all assistance made by the Council under the Policy and the 1996 Act would, in the opinion of the Council, be less than the cost of adapting the disabled person's existing accommodation.

5.2 An award made under this section may include the cost of –

- (a) removal expenses;
- (b) carpets, window coverings and white goods where the replacement is wholly and necessarily required as a consequence of the relocation;
- (c) estate agent's fees;
- (d) redecoration;



- (e) security measures
- (f) any other expense of relocation reasonably incurred.

- 5.2.1 The maximum amount payable will be limited to £5,000 per relocation.
- 5.2.2 Unless the Council decides otherwise, grant made for the purpose mentioned in subparagraph 5.2 (a) will be calculated according to the cost of the lower of two quotes provided by the applicant to the Council and found to be acceptable by the Council.
- 5.2.3 Grant made for the purposes mentioned in subparagraph 5.2 (b) will be calculated according to the replacement value of goods of a standard equivalent to the applicant's existing goods.
- 5.2.4 Grant made for the purposes mentioned in subparagraph 5.2 (c) will be made to the full extent of the expense incurred only where the Council accept such expense is reasonable.
- 5.2.5 Grant made for the purpose mentioned in subparagraph 5.2 (d) may not be paid if the applicant is transferring to a rented property and redecoration is the owner's responsibility.
- 5.3 Any award made under this section will be made in the form of a grant and be called disabled persons' relocation grant..
- 5.4 Provisions relating to the administration and, where appropriate, the repayment of disabled persons' relocation grant will be identical to those for disabled facilities grant awarded under the 1996 Act.

**N.B.** the means test for Disabled Persons Relocation Grant<sup>1</sup> for children's cases is abolished (June 2006);

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<sup>1</sup> The cost of moving to a more suitable property is a viable option, the Council will pay for some of the removal costs instead of adapting the current home. This is only available where it would save the Council money.

# **Chapter 4:**

## **Supplementary Provisions**

## **1. Death of applicant**

- 1.1 This section applies to any award made under the provisions of the Policy.
- 1.2 Following the applicant's death, references in the Policy to the applicant will be construed to be a reference to his personal representatives.
- 1.3 Where the applicant dies after liability has been incurred for any preliminary or ancillary services or charges, the Council may, if it thinks fit, pay grant in respect of some or all of those matters.
- 1.4 Where the applicant dies after any works have been started and before the works have been completed, the Council may, if it thinks fit, pay grant in respect of some or all of the works already carried out or any of the works for which assistance has been approved.
- 1.5 Where an award has been made under section 5 of Chapter 3 of the Policy (Disabled persons' relocation grant) and the applicant dies before the relocation has taken place, the Council may, if it sees fit, pay the relocation grant or any part thereof.

## **2.0 Review**

- 2.1 Any decision made under the Policy may be reviewed at the request of the applicant unless that decision is one made under paragraph 9.10 of Chapter 2 of the Policy or paragraph 4.9 of Chapter 3 of the Policy (an application for the waiver or reduction of a repayment of a loan) in which case the procedure described in the said paragraphs will be in lieu of the procedure described in this section.
- 2.2 A request for a review should be made according to the provisions of this section.
- 2.3 The review request should be addressed to the officer who made the decision being appealed against –
  - (a) in writing, and
  - (b) within 21 days of the date of the decision letter unless the Council determines otherwise in any particular case.
- 2.4 The review will be conducted by a senior Council officer not previously connected with the case (the "Review Officer").
- 2.5 The Review Officer will make such enquiries and request such evidence as he thinks necessary and will inform the appellant in writing of his decision within seven days of making such enquiries receiving such evidence.
- 2.6 Where he refuses an appeal, the Review Officer will inform the appellant of his rights under the Council's complaint procedure and the local authority Ombudsman procedure.

### **3.0 Reviewing the Policy**

- 3.1 The Policy may be reviewed whenever necessary but in any case no less often than annually.
- 3.2 Minor changes to the Policy may be made by the Head of Housing Services in consultation with the Portfolio Holder for Housing.
- 3.3 Major changes to the Policy must be made by full Council.
- 3.4 For the purposes of paragraph 3.2, a minor change is one affecting only the administration of the Policy or one which results from a change in legislation or statutory guidance which must be observed.
- 3.5 For the purposes of paragraph 3.3, a major change is one which –
  - (a) removes from the Policy a power to make assistance, or
  - (b) adds to the Policy a power to make assistance, or
  - (c) sets limits, whether financial or otherwise, to existing powers under the policy.

### **Applications falling outside of the policy**

- 3.6 Where an application is made that falls outside of the Policy, the Private Sector Housing Officer may, if he thinks fit, recommend that the application be considered by the Head of Housing Services and the Portfolio Holder for Housing who may then consider the application on its merits and may approve the application.

### **4.0 Budgetary matters**

- 4.1 In the financial year 2003-2004, approvals for assistance made under Chapter 2 of the policy (repair assistance) will be paid from the budget allocated for renovation grants and home repair assistance.
- 4.2 In the financial year 2003-2004, approvals for assistance made under Chapter 3 of the Policy (disabled facilities assistance), including special purposes assistance and disabled persons' relocation grant, will be paid from the budget allocated for disabled facilities grant.
- 4.3 The position for 2004-2005 and thereafter will be reviewed during 2003-2004.

# **Appendix 1:**

## **REGULATORY REFORM ORDER**

# Statutory Instrument 2002 No. 1860

## The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

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### STATUTORY INSTRUMENTS

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#### **2002 No. 1860**

#### **HOUSING, ENGLAND AND WALES**

#### **REGULATORY REFORM**

#### The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

*Made 18th July 2002*

*Coming into force in accordance with article 1(2) and (3)*

Whereas:

(a) The Secretary of State for Transport, Local Government and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, ("the Secretaries of State") are each of the opinion that -

(i) certain provisions of the Housing Act 1985<sup>[1]</sup>, the Local Government and Housing Act 1989<sup>[2]</sup>, and the Housing Grants, Construction and Regeneration Act 1996<sup>[3]</sup> impose burdens upon local housing authorities in the exercise of their functions in relation to the provision of financial and other assistance for, or in connection with, the improvement, repair and renovation of housing;

(ii) Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 contains an anomaly, in that it provides for grants under section 1(1)(c) of that Act to be available in relation to dwellings but not in relation to houseboats or park homes;

(iii) the provisions of this Order do not remove any necessary protection, or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

(iv) the provisions of this Order, taken as a whole, strike a fair balance between the public interest and the interests of the persons affected by burdens created by this Order;

(v) the extent to which this Order removes or reduces the burdens referred to in subparagraph (i), or has other beneficial effects for persons affected by those burdens, makes it desirable for this Order to be made;

(b) the Secretaries of State have consulted<sup>[4]</sup> -

(i) such organisations as appear to them to be representative of interests substantially affected by the provisions of this Order,

(ii) such organisations as appear to them to be representative of statutory bodies to whose functions those provisions relate;

(iii) the National Assembly for Wales, and

(iv) such other persons as they consider appropriate;

(c) the Secretaries of State, having undertaken that consultation, consider it appropriate to proceed with the making of this Order;

(d) the Secretaries of State have laid before Parliament a document containing proposals in the form of a draft of this Order, together with details of the matters specified in section 6(2) of the Regulatory Reform Act 2001;

(e) in relation to that document, the period for Parliamentary consideration (within the meaning of section 8 of that Act) has expired;

(f) the Secretaries of State have had regard to the representations made during that period and, in particular, to the Sixth Report (session 2001-2) of the Deregulation and Regulatory Reform Committee of the House of Commons and the Fifteenth Report (session 2001-2) of the Delegated Powers and Regulatory Reform Committee of the House of Lords with regard to that document;

(g) the Secretaries of State have laid with a draft of this Order a statement giving details of the matters specified in section 8(5) of the Regulatory Reform Act 2001; and

(h) the Secretaries of State have secured the agreement of the National Assembly for Wales to the making of this Order (which includes provision removing or modifying functions of the Assembly):

Now, therefore, the Secretary of State for Transport, Local Government and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by section 1 of the Regulatory Reform Act 2001, with the agreement of the National Assembly for Wales, hereby make the following Order, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

### **Citation and commencement**

1. - (1) This Order may be cited as the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

(2) The following provisions -

- (a) this article,
- (b) articles 2 to 9 and Schedule 1,
- (c) article 14 and Schedule 5,
- (d) article 15 and Schedule 6, in so far as they relate to -
  - (i) the Local Government Act 1988<sup>[5]</sup>,
  - (ii) the Government of Wales Act 1998<sup>[6]</sup>, and
  - (iii) the 1989 Act, except sections 93 and 169,

shall come into force on the day after that on which this Order is made.

(3) The following provisions -

- (a) article 10 and Schedule 2,
- (b) article 11 and Schedule 3,
- (c) article 12 and Schedule 4,
- (d) article 13,



(e) article 15 and Schedule 6 (in so far as they are not already in force),

shall come into force on the day that falls 12 months after the day on which this Order is made.

## Interpretation

2. In this Order, unless the context otherwise requires -

"the 1996 Act" means the Housing Grants, Construction and Regeneration Act 1996<sup>[7]</sup>;

"the 1989 Act" means the Local Government and Housing Act 1989<sup>[8]</sup>;

"the 1985 Act" means the Housing Act 1985<sup>[9]</sup>;

"the appropriate Minister" -

(a) in relation to a local housing authority in England, means the Secretary of State;

(b) in relation to a local housing authority in Wales, means the National Assembly for Wales;

"assistance" means assistance under article 3;

"assisted work" means work of any description in relation to the carrying out of which assistance is provided;

"living accommodation" means any of the following -

(a) a building or part of a building;

(b) a caravan, within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960<sup>[10]</sup> (disregarding the amendment made by section 13(2) of the Caravan Sites Act 1968<sup>[11]</sup>); and

(c) a boat or similar structure,

occupied or available for occupation for residential purposes (whether, in the case of a building or part of a building, in single or multiple units); and includes any yard, garden, outhouses and appurtenances belonging to the building or, as the case may be, the caravan, or the boat or similar structure, or usually enjoyed with it;

"local housing authority" means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council, or the Council of the Isles of Scilly.

### **Power of local housing authorities to provide assistance**

3. - (1) For the purpose of improving living conditions in their area, a local housing authority may provide, directly or indirectly, assistance to any person for the purpose of enabling him -

(a) to acquire living accommodation (whether within or outside their area);

(b) to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of anything or injection of any substance, or otherwise);

(c) to repair living accommodation;

(d) to demolish buildings comprising or including living accommodation;

(e) where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include replacement living accommodation.

(2) The power conferred by paragraph (1)(a) may be exercised to assist a person to acquire living accommodation only where the authority -

(a) have acquired or propose to acquire (whether compulsorily or otherwise) his existing living accommodation; or

(b) are satisfied that the acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by the carrying out of work of any description in relation to his existing living accommodation.

(3) Assistance may be provided in any form.

(4) Assistance may be unconditional or subject to conditions, including conditions as to the repayment of the assistance or of its value (in whole or in part), or the making of a contribution towards the assisted work; but before imposing any such condition, or taking steps to enforce it, a local housing authority shall have regard to the ability of the person concerned to make that repayment or contribution.

- (5) Before a local housing authority provide assistance to any person, they shall -
- (a) give to that person a statement in writing of the conditions (if any) to which the assistance is to be subject; and
  - (b) satisfy themselves that that person has received appropriate advice or information about the extent and nature of any obligation (whether financial or otherwise) to which he will become subject in consequence of the provision of assistance.

(6) A local housing authority may take any form of security in respect of the whole or part of any assistance.

(7) Where any such security is taken in the form of a charge on any property, the local housing authority may at any time reduce the priority of the charge or secure its removal.

(8) This article is subject to articles 4 and 5.

(9) Nothing in this article affects any power of a local housing authority under Part 14 of the 1985 Act (loans for acquisition or improvement of housing).

#### **Provision of assistance: supplementary**

**4.** A local housing authority may not exercise the power conferred by article 3 in any case unless -

- (a) they have adopted a policy for the provision of assistance under that article;
- (b) they have given public notice of the adoption of the policy;
- (c) they have secured that -
  - (i) a document in which the policy is set out in full is available for inspection, free of charge, at their principal office at all reasonable times; and
  - (ii) copies of a document containing a summary of the policy may be obtained by post (on payment, where a reasonable charge is made, of the amount of the charge); and
- (d) the power is exercised in that case in accordance with that policy.

## Protective provisions

5. - (1) A local housing authority may not provide assistance for a purpose specified in article 3(1)(b), (c) or (d) unless they are satisfied that the owner of the living accommodation concerned has consented to the carrying out of the assisted work.

(2) For the purposes of paragraph (1), "owner" -

(a) in relation to living accommodation comprising a building or part of a building, means the person who -

(i) is for the time being entitled to receive from a tenant of the accommodation (or would be so entitled if the accommodation were let) a rent at an annual rate of not less than two-thirds of the net annual value of the accommodation; and

(ii) is not himself liable as tenant of the accommodation, or of property which includes the accommodation, to pay such a rent to a superior landlord;

(b) in relation to living accommodation comprising a caravan or a boat or similar structure, means the person who is for the time being entitled to dispose of the caravan or boat or similar structure.

(3) In paragraph (2), "net annual value", in relation to living accommodation, means the rent at which the accommodation might reasonably be expected to be let from year to year if the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of repair and insurance and the other expenses, if any, necessary to maintain the accommodation in a state to command that rent.

(4) Any dispute arising as to the net annual value of living accommodation shall be referred in writing for decision by the district valuer.

(5) In paragraph (4), "district valuer", in relation to living accommodation in respect of which a person has applied or proposes to apply to a local housing authority for assistance, means an officer of the Commissioners of Inland Revenue appointed by the Commissioners for the purpose of deciding, in relation to the authority, any dispute under that paragraph.

(6) Where a local housing authority have specified, or approved the specification for, assisted work, they shall not vary, or require the variation of, that specification unless they have obtained the consent of every person who, in the authority's opinion, is likely to be affected to any material extent by the variation.

(7) A local housing authority shall not vary or revoke any condition to which assistance is subject except on the application or with the consent of the person to whom the assistance was provided.

### **Provision of information and evidence**

6. A local housing authority may require a person -

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

to give to them, within such period as they may reasonably specify, such information or evidence (including information or evidence relating to his financial circumstances) as the authority may reasonably require for the purposes of, or purposes connected with, the exercise of their powers under article 3.

### **Contributions towards expenditure of local housing authorities**

7. - (1) Contributions towards expenditure incurred by a local housing authority in providing assistance may be paid by the appropriate Minister.

(2) The rate or rates of the contributions, the calculation of the expenditure to which they relate and the manner of their payment shall be determined by the appropriate Minister.

(3) A determination under paragraph (2) -

(a) may be made generally or with respect to a particular local housing authority or description of authority, including a description framed by reference to authorities in a particular area, and

(b) may make different provision in relation to different cases or descriptions of case.

(4) Contributions under this article shall be payable subject to such conditions as to records, certificates, audit or otherwise as the appropriate Minister may impose.

(5) Where the appropriate Minister is the Secretary of State, the consent of the Treasury is required before any determination is made under paragraph (2) or any conditions are imposed under paragraph (4).

### **Recovery of contributions**

8. - (1) Where the appropriate Minister has paid contributions under article 7 to a local housing authority, he may recover from the authority such amount as he determines to be appropriate in respect of repayments of assistance.

(2) The amount shall be calculated by reference to the amount appearing to the appropriate Minister to represent his contribution to -

(a) assistance in respect of which repayments have been made to the authority, or

(b) assistance in respect of which repayments could have been recovered if reasonable steps had been taken by the authority,

together with an appropriate percentage of any interest received by the authority, or which would have been received if reasonable steps had been taken by the authority.

(3) The question what steps it would have been reasonable for the authority to take shall be determined by the appropriate Minister.

### **Amendments consequential on article 3**

9. Schedule 1, which makes amendments consequential on article 3, shall have effect.

### **Amendment of section 435 of the 1985 Act and consequential provision**

10. - (1) Section 435 of the 1985 Act (power of local authorities to advance money) is amended in accordance with Part 1 of Schedule 2.

(2) Part 2 of that Schedule, which makes provision consequential on paragraph

(1), shall have effect.

(3) Nothing in paragraph (1) or (2) affects advances made by a local authority under section 435(1)(d) of the 1985 Act (advances for altering, enlarging, repairing or improving houses or for facilitating repayment of previous loans) before the date on which this article comes into force.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confers on local housing authorities in England and Wales a new power to improve living conditions in their area (article 3). The new power enables an authority to provide assistance to any person for -

- (a) the acquisition of living accommodation, where the authority wish to purchase a person's home or as an alternative to adapting, improving or repairing it;
- (b) the adaptation or improvement of living accommodation (including by alteration, conversion or enlargement, and by the installation of things or injection of substances);
- (c) the repair of living accommodation;
- (d) the demolition of buildings comprising or including living accommodation;
- (e) the construction of replacement living accommodation to replace living accommodation that has been demolished.

Authorities are required to consider a person's ability to meet a contribution or to repay the assistance, both before imposing a condition to that effect and before taking steps to enforce a condition of that kind. They are also required to provide a written statement of the conditions to which assistance is subject, and to ensure that a person to whom assistance is given has received advice or information about any obligations to which he would be subject once assistance has been provided. They may take security, including a charge on property.

The new power is not exercisable until the authority has adopted and published a policy relating to their exercise of the power, and the power must be exercised in accordance with the policy (article 4).

Where the new power is to be exercised in relation to a building, the prior consent of the owner is required (article 5). Other protective provisions require authorities to obtain the consent of the person to whom the assistance was provided before varying the specification of any assisted work, and before varying or revoking any condition to which the assistance is subject.



Authorities are empowered to require the provision of information and evidence for the purposes of, or in connection with, the new power (article 6).

Articles 7 and 8 provide for the making of contributions towards authorities' expenditure under the new power, and for the recovery of contributions.

Article 9 and Schedule 1 make amendments consequential on article 3.

Article 10 and Part 1 of Schedule 2 amend section 435 of the Housing Act 1985. Part 2 of that Schedule makes amendments consequential on the amendments in Part 1.

Article 11 and Schedule 3 amend Parts 1 and 4 of the Housing Grants, Construction and Regeneration Act 1996. Chapter 1 of Part 1 is retained only for the purposes of what was previously mandatory disabled facilities grant. The other purposes for which grant is payable under that Chapter, and the provisions of Chapters 2 and 3 of Part 1 relating to group repair schemes and home repair assistance, are subsumed in the new power.

Article 12 and Schedule 4 make consequential amendments to section 116 of the Rent Act 1977, sections 100, 244 and 255 of the Housing Act 1985 and section 169 of the Local Government and Housing Act 1989.

Article 13 amends section 93(5) and (6) of the Local Government and Housing Act 1989.

Article 14 and Schedule 5 amend Part 7 of the Local Government and Housing Act 1989. The general effect of the amendments is to remove restrictions relating to renewal areas.

Article 15 and Schedule 6 provide for the repeal of provisions.

*Notes:*

[1] 1985 c.68.

[2] 1989 c.42.

[3] 1996 c.53.

[4] By virtue of section 5(4) of the Regulatory Reform Act 2001 (c.6), consultation undertaken before 10th April 2001 (the day on which the Act was passed) is treated as satisfying the consultation requirements of section 5(1) of that Act to the extent that, if it had been undertaken after that day, it would have satisfied those requirements. A consultation paper "Private sector housing renewal: Reform of the Housing Grants, Construction and Regeneration Act 1996, Local Government and Housing Act 1989 and Housing Act 1985" was published by the Department of the Environment, Transport and the Regions in March 2001. Copies may be obtained from the Department for Transport, Local Government and the Regions Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB (tel: 0870 1226 236).

[5] 1988 c.9.

[6] 1998 c.38.

[7] 1996 c.53.

[8] 1989 c.42.

[9] 1985 c.68.

[10] 1960 c.62

[11] 1968 c.52.

[12] For the date of approval in the case of group repair schemes not submitted for specific approval *see* section 64(1) of the Housing Grants, Construction and Regeneration Act 1996.

[13] 1977 c.42. Subsection (3) was substituted by the Housing Grants, Construction and Regeneration Act 1996, Schedule 1, paragraph 1.

[14] 1985 c. 70 Section 20A was inserted by the Housing and Planning Act 1986 (c.63), Schedule 5, Part 1, paragraph 9(1). Subsection (1) was numbered as such by virtue of the Local Government and Housing Act 1989 (c.42), Schedule 11, paragraph 90, and amended by the Housing Grants, Construction and Regeneration Act 1996, Schedule 1, paragraph 11(1).

[15] 1988 c.9.

[16] Subsection (1A) was inserted by the Housing Act 1996 (c.52), Schedule 18, paragraph 27.

[17] *See* the Local Government Finance Act 1992 c.14; the Caravan Sites and Control of Development Act 1960 (c.62); the Caravan Sites Act 1968 (c.52); and the Mobile Homes Act 1983 (c.34).

[18] S.I. 1999/672, to which there are amendments not relevant to this Order.

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# Appendix 2:

## Summary of the Housing Health and Safety Rating System (new requirements)

### THE HAZARD PROFILES

#### PHYSIOLOGICAL REQUIREMENTS

##### Hydrothermal Conditions

- 1 Damp and mould growth
- 2 Excess cold
- 3 Excess heat

##### Pollutants (non-microbial)

- 4 Asbestos (and MMF)
- 5 Biocides
- 6 Carbon Monoxide and fuel combustion products
- 7 Lead
- 8 Radiation
- 9 Uncombusted fuel gas
- 10 Volatile Organic Compounds

#### B PSYCHOLOGICAL REQUIREMENTS

##### Space, Security, Light and Noise

- 11 Crowding and space
- 12 Entry by intruders
- 13 Lighting
- 14 Noise

#### C PROTECTION AGAINST INFECTION

- 15 Domestic hygiene, Pests and Refuse
- 16 Food safety
- 17 Personal hygiene, Sanitation and Drainage
- 18 Water supply for Domestic Purpose

#### D PROTECTION AGAINST ACCIDENTS

##### Falls

- 19 Falls associated with baths etc

20 Falls on the level

21 Falls associated with stairs and steps

22 Falls between levels

**Electric Shocks, Fires, Burns and Scalds**

23 Electrical hazards

24 Fire

25 Hot surfaces and materials

Collisions, Cuts and Strains

26 Collision and entrapment

27 Explosions

28 Ergonomics

29 Structural collapse and failing elements

# Appendix 3:

## AMENDMENTS TO THE COUNCIL'S HOUSING RENEWAL ASSISTANCE POLICY

The seven recommended changes to the Repairs Assistance Policy were agreed by Cabinet with a few caveats on **29 June 2006** they are summarised below;

1. the Council provide small grants of up to £800 per case to help people on low incomes to pay for their contribution to Warm Front grants<sup>2</sup>. This should be called 'Warm Front Top-Up Grant';
2. approval levels for DFG Top-Up<sup>3</sup> Assistance are increased to £15k to reflect in the increase in building costs and the decision on whether to award DFG Top Up Assistance over £15k is delegated to the Head of Housing Services instead of the Head of Housing Services together with the Director of Operational Services;
3. the decision on whether to increase officer approval levels in 1. and 2. above in the future is delegated to the Head of Housing Services and Housing Portfolio holder instead of Cabinet;
4. top-Up Assistance for children's DFG's is subject to a means test because the means test on the mandatory element has recently been abolished by Government;
5. the means test for Disabled Persons Relocation Grant<sup>4</sup> for children's cases is abolished;
6. if applicants owe money to Huntingdonshire District Council or any Registered Social Landlord they should demonstrate that they have an agreed arrears payment plan in place and that they are up to date with the payments; and
7. the policy should be amended to reflect that the Housing Fitness Standard (Section 189 & 190 of the Housing Act 1985) has been replaced by the Housing Health & Safety Rating System (HHSRS) (Part 1 of the Housing Act 2004).

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<sup>2</sup> Warm Front is the Government's scheme to install energy efficiency measures in people's homes. It is awarded to those who are in fuel poverty.

<sup>3</sup> DFG Top-Up is available for owner occupiers only. If the cost of a DFG exceeds £25k mandatory limit, the Council can offer Top-Up. This is a loan and a charge is placed on the property.

<sup>4</sup> The cost of moving to a more suitable property is a viable option, the Council will pay for some of the removal costs instead of adapting the current home. This is only available where it would save the Council money.

## Appendix 4:

### **AMENDMENTS TO THE COUNCIL'S HOUSING RENEWAL ASSISTANCE POLICY**

The three recommended changes to the Repairs Assistance Policy were agreed by Cabinet on **19 July 2007** they are summarised below;

1. That exempt disposal should only apply if the person who inherits the property in question intends to continue to live in the property as their principal home otherwise it should be deemed to be a relevant disposal and the loan repaid.
2. Property owners should be subject to the means test for Top-Up Assistance for adults DFG's where the disabled person is not the property owner but is the beneficiary of the DFG.
3. Where the equity is sufficient to support a loan, the Council will offer a loan for the cost of work, subject to the usual eligibility and means test. Where the equity is insufficient to support the total cost of work, a grant can be considered for the remaining amount by the Private Sector Housing Officer or a more senior officer.

## Appendix 5:

### **AMENDMENTS TO THE COUNCIL'S HOUSING RENEWAL ASSISTANCE POLICY**

The three recommended changes to the Repairs Assistance Policy were agreed by Cabinet on 19 November 2014 they are summarised below;

1. Having considered the policy it was agreed that the maximum relocation grant would be reduced from £15k to £5k in order to limit exposure to the Council's revenue costs but try and help more families with moving costs.

## Appendix 6

### **AMENDMENTS TO THE COUNCIL'S HOUSING RENEWAL ASSISTANCE POLICY**

On 16<sup>th</sup> March 2017, HDC Cabinet was asked to approve the following changes:

1. Repair Assistance will change to Discretionary Minor Repairs Assistance with the maximum amount per application reduced from £20,000 to £5,000.
2. Landlord Grant will be withdrawn as it does not meet the objective of the Better Care Fund.
3. Special Purpose Assistance will change from a loan to a grant to enable assistance to be provided expediently.
4. Boiler Replacement Scheme will be withdrawn but funding for boilers may be provided through Discretionary Minor Repairs Assistance.
5. Priority will be given to Disabled Facilities Grant funding ahead of other renewal assistance schemes.