

## **Appendix 2 - Private Sector Housing Regeneration Policy – Aylesbury Vale**

### **1. Introduction**

- 1.1 The purpose of this policy document is to assist officers of the Council with the interpretation and implementation of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, Housing Act 2004 and Housing Grants, Construction and Regeneration Act 1996 so far as it relates to the improvement of private sector housing stock in Aylesbury Vale.

### **2. The Policy in Context**

- 2.1 National, regional and local policies and objectives provide AVDC and its partners with a broad strategic framework to work within. The key policies and objectives that have informed the draft of this policy are detailed below:

#### **2.2 Laying the Foundations: A Housing Strategy for England 2011**

This document provides a clear directive from Government on its approach and priorities on housing policy, focusing on the development of a thriving, active and stable housing market that supports choice, flexibility and affordable housing. The strategy outlines the link between housing and economic growth as well as health and well-being and states that the private rented sector is continuing to grow in both size and importance. The Government supports growth and investment in the private sector housing market and considers this key to increased choice, access and better standards in the sector. Alongside this it also supports tough enforcement against rogue landlords who do not provide adequate housing for their tenants.

#### **2.3 The Private Rented Sector – CLG Select Committee Report 2013**

This Select Committee report states that it is important that the private rented sector is seen as an attractive alternative to owner occupation and recommends a number of measures to support the growth and development of the private rented sector including:

- Simplify regulation – the provision of a more straightforward regulatory framework for the sector
- Raise standards – provide Councils with the flexibility required to enforce the law and raise standards particularly with regard to the licensing of landlords
- Regulate agencies – develop new regulation to deal with abuses by letting agents
- Longer tenancies – ensure that the market offers longer tenancies to those that need them, particularly families
- Increase supply – across all housing tenure types.

#### **2.4 Welfare Reform Act 2012**

The Act sets out a number of fundamental reforms to welfare provision which will impact on some households living in the private rented sector (see AVDC Housing and Homelessness Strategy)

## **2.5 Localism Act 2011**

This Act enables Local Authorities to discharge their homelessness duty through an offer of accommodation in the private rented sector (see AVDC Housing and Homelessness Strategy)

## **2.5 The Energy Act 2011**

The Energy Act places an obligation on energy companies to help the poorest and most vulnerable households with saving energy. A range of energy efficiency measures are also introduced by the Act including smart meters, energy performance certificates and clearer energy bills (see Buckinghamshire County Fuel Poverty Strategy which aims to enable residents in Buckinghamshire to achieve affordable warmth). Aylesbury Vale District Council work with the National Energy Foundation (NEF) to provide an affordable warmth service (known as Better Housing Better Health) for residents in the Vale.

## **2.6 The Housing Act 2004**

The Housing Act introduced powers to improve the management of the private rented sector through licensing, the return to use of long-term empty homes and to improve the health and safety of occupants in dwellings. Measures include:

### **The Housing Health & Safety Rating Scheme (HHSRS)**

The HHSRS is a risk rating tool used to assess the potential risks to the health and safety of occupants, potential occupants and visitors to a residential property. The system assesses 29 prescribed hazards within a property which are scored as either Category 1 (serious) hazards or Category 2 (less serious) hazards. Where a Category 1 hazard is identified in a property the Council has a legal duty to take action. The Council has discretion to take action on Category 2 hazards where appropriate to do so.

### **Licensing of Houses in Multiple Occupation (HMOs)**

The licensing of HMOs aims to raise standards in some of the highest risk residential properties where tenants are often most vulnerable. The two schemes in operation in Aylesbury Vale are:

- Mandatory licensing scheme – this is a national mandatory licensing scheme for some types of HMO.
- Additional licensing scheme – in 2015 an additional HMO licensing scheme was introduced in Aylesbury Vale which means that all houses in multiple occupation with 3 or more occupants require a licence from the Council. The scheme aims to improve standards across the private rented sector in the Vale and to ensure a supply of good quality, affordable housing in this tenure type.
- From October 2018 the definition of a Mandatory HMO is changing to include all properties with 5 or more occupants from more than 2 households (some exemptions

apply). Although many of these properties will already be licensed in Aylesbury, it is likely that there will be an increase in HMO applications.

### **Empty Homes**

This enables the Council to bring privately owned properties that have been empty long-term (over 6 months) back into use via enforcement measures such as Compulsory Purchase, Empty Dwelling Management Orders and Improvement Notices.

A new Empty Homes strategy for Aylesbury Vale is currently in development

## **2.7 Housing and Planning Act 2016**

The Housing and Planning Act introduces changes to both housing and planning law which come into force through 2017 and 2018. From a Housing perspective the main changes seek to provide additional protection to tenants and additional enforcement options designed to drive rogue landlords out of the sector. These include:

### **Civil Penalties**

Civil penalties came into force on the 1<sup>st</sup> April 2017 and provide powers for housing authorities to issue financial penalties of up to £30,000 as an alternative to a prosecution in respect of specified housing offences:

### **Banning Orders**

The Act introduces a power for local authorities to apply for a banning order from the First-tier Tribunal for any person (e.g. landlord, letting agent, property manager) or corporate body who has been convicted of a banning order offence. The ban must be for at least 12 months and prevents a landlord or property agent from being involved in letting and/or management of property.

### **Database of Rogue Landlords and Agents**

The government has established a database of rogue landlords. It contains details of any landlord who has received a banning order, or who has received at least two financial penalties in 12 months for banning order offences.

### **Rent Repayment Orders**

The First Tier Tribunal may issue a rent repayment order to any landlord who has been convicted of specified housing offences:

## **2.8 Housing Grants, Construction and Regeneration Act 1996**

This Act provides for grants from local housing authorities to be made towards the cost of works required for the provision of facilities for disabled people.

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

The Order provides powers to Local Authorities to provide assistance to any person in their area for the purposes of acquiring living accommodation and adapting repairing or improving living accommodation.

### 3. Local Context

The Private Sector Housing Regeneration Policy sits within a corporate framework and below the Housing and Homelessness Strategy. It contributes towards meeting the objectives outlined within the strategy predominantly by maximising the use of private sector housing.

Corporate objectives	AVDC Housing and Homelessness Strategy objectives	Private Sector Housing Regeneration Policy objectives
To secure the economic, social and environmental wellbeing of the Vale.	<p>Maximise the supply of affordable housing</p> <p>Prevent and reduce homelessness</p> <p>Maximise the use of private sector homes</p> <p>Respond to the challenges of welfare reforms</p>	<p>Improve the quality of the private housing stock in the Vale</p> <p>Positively impact the health and wellbeing of those living in non-decent private dwellings</p> <p>Enable disabled people to live independent, healthy lives for longer</p> <p>Reduce the number of long term empty properties in the Vale</p> <p>Actively tackle rogue landlords</p>

### 4. Housing Profile

4.1 Private sector housing stock includes houses in private ownership and occupation as well as privately rented properties. The private housing sector plays a valuable role in the housing market in the Vale with the majority of properties in owner occupation. Generally housing conditions in the Vale compare favourably to the national picture.

4.2 Aylesbury Vale, along with the rest of Buckinghamshire, has an aging population. At the last census in 2011 68,000 people in Buckinghamshire reported having a limiting long term illness or disability (an increase of 12.4% from the previous census). The

number of people with long term health conditions is likely to continue to increase with the aging population in Buckinghamshire (Director of Public Health for Buckinghamshire Annual Report 2012/13). There is a significant link between housing quality and health. Factors such as damp and mould, overcrowding and excess cold are associated with long term conditions such as heart disease, stroke, respiratory disease and mental illness, as well as an increased risk of mortality. People living in poor quality housing are more likely to suffer with poor health than those people living in good quality housing. Overcrowded households can encourage the spread of certain medical conditions, such as tuberculosis. Households without central, or other adequate heating, can suffer from damp and mould growth, which can lead to respiratory problems. Poorly heated households can suffer from excess cold, which in turn can increase the likelihood of premature mortality ('a ward level analysis of the housing and health profiles of Aylesbury Vale', Feb 2015).

4.3 Periodically the Council carries out a stock condition survey of private sector housing stock. The last Private Sector Housing Condition Survey was carried out in 2007 and at this time private sector housing stock in the Vale numbered 61,500 dwellings (the total number of dwellings in the Vale as of 31/03/2015 was 77,000).

4.4 Of these 16.8% (10,355 dwellings) did not meet satisfactory of 'decent' standards (Category 1 HHSRS hazards, failure to be in reasonable repair, failure to provide reasonable modern amenities, failure to provide effective insulation and/or efficient heating all are considered to be indicators of non-decent housing). Although this figure is well below the national average (37.5%) there remains a need to improve standards in this area

4.5 The Survey indicated that poor housing conditions in the Vale are associated with households in social and economic disadvantage. This affects the ability of households to repair and improve their dwellings. At the time of the Survey 25.6% of all households living in non-decent housing were elderly. Economically vulnerable households accounted for 33.8% of all households living in non-decent housing. In the private rented sector 39% of vulnerable households were living in non-decent housing.

4.6 At the time of the Survey 6,317 (10.9%) private sector households were living in fuel poverty (the equivalent national average at the time was 11.1%). However rates were above average in some areas of the Vale, particularly in the private rented sector (14.4%) and for inter-war housing (21.2%).

## **5. Housing Assistance**

### **5.1 Housing Grants, Construction and Regeneration Act 1996**

This Act places a mandatory duty on the Local Housing Authority to provide grants to be made towards the cost of works required for the provision of facilities for disabled people. Disabled Facilities Grants (DFGs) are provided to adapt a home environment

to restore or enable independent living for individuals with a disability. The maximum amount of grant funding that can be awarded under a mandatory DFG is currently £30,000.

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

The Order provides powers to Local Authorities to provide assistance for housing renewal to any person in their area for the purposes of acquiring living accommodation and adapting repairing or improving living accommodation.

In order to use these powers the Local Authority must adopt and publish a policy setting out how the powers will be used. The Housing and Homelessness Strategy and the Private Sector Housing Regeneration Policy fulfil this obligation. The Order contains important protections relating to the giving of assistance, whether it is given as a grant, loan or another form of help. It requires that:

- authorities set out in writing the terms and conditions under which assistance is being given; and
- before giving any assistance the authority must be satisfied that the person has received appropriate advice or information about the extent and nature of any obligation (financial or otherwise) that they will be taking on; and
- before making a loan, or requiring repayment of a loan or grant, the authority must have regard to the person's ability to afford to make a contribution or repayment.

The discretionary spending powers within the Regulatory Reform Order 2002 can be used alongside the mandatory DFG framework to top up mandatory grants or to facilitate solutions that enable flexibility, quality and choice for the applicant to meet their specific needs.

## **5.3 Policy Priorities: Target groups**

Information from sources such as the Private Sector House Condition Survey 2007 and Public Health Buckinghamshire provide an evidence base for targeting housing assistance to particular groups within the community in Aylesbury Vale:

- Older people - older people are more likely to live in substandard and poorly heated homes, and can be vulnerable to home accidents including slips, trips and falls.
- Disabled people – discretionary housing assistance can provide a package of additional assistance measures outside of the mandatory DFG system which allows more flexibility based on the disabled persons needs
- Vulnerable groups – those on low incomes may not be able to carry out essential repairs to their properties resulting in impacts on their health and wellbeing. The HHSRS can be used to risk rate hazards in dwellings to determine where repairs are required to improve health outcomes.
- Landlords – housing assistance for landlords can be provided to help kick start improvements in standards in privately rented properties, benefitting vulnerable individuals and families.

## 5.4 Working in Partnership

AVDC currently operate a Staying Put service which assists DFG grant applicants with the spend of the grant by coordinating building works and assisting with the sourcing of contractors to carry out works. This is an optional service that a grant applicant can choose to take from AVDC. A fee of 15% of the total grant is charged for the Staying Put service. The benefit of this service is that applicants who may otherwise have struggled to organise works, benefit from timely adaptations made to their properties. The uptake of the Staying Put service in AVDC is high with 68% of grant applicants taking up the service in 2013/14 generating an income of £48,000- towards the cost of providing the service during this period.

Staying Put Officers also administer Flexible Home Improvement Loans and Essential Repairs Grants, providing financial advice and assistance to applicants.

AVDC jointly fund the National Energy Foundation to provide advice and assistance to residents in the Vale on energy efficiency measures and schemes available to residents, including those in fuel poverty. AVDC promote this through our website and via Officers who come into contact with residents in need of assistance in these areas.

AVDC are members of the Buckinghamshire Joint Housing Adaptations Group which brings together the District Councils, County Council (including adult and children services) and representatives from the Registered providers who operate in the Vale including VAHT.

## 6. Types of assistance offered

Summary of housing assistance measures available to private owners and tenants within the Vale:

Tool	Key Outcome	Eligibility criteria	Eligible Works	Conditions	Max £/case	Notes	Annual Budget
Healthy Homes On Prescription	To provide small scale works to a person's home to help prevent emergency hospital admissions, hospital re-admissions and repeat GP appointments..	<p>Aged 18 or over and live in the property as their main residence</p> <p>Have a disability or long term health condition</p> <p>Are the owner or the tenant of the property (must have consent from the owner to carry out the work)</p> <p>Referred by a health professional/medical referral</p>	<p>Small scale adaptations, repairs or other improvements which are specifically required to enable hospital discharge or help reduce the likelihood of hospital admission or repeat GP appointments</p> <p>One off deep clean and/or clearance of clutter, specifically to enable hospital discharge</p>	<p>Non-repayable</p> <p>Payment on completion of works</p> <p>More than one application can be made but no more than £5000 will be paid out in any 5 year period</p>	£5,000	Replaces the Essential Repairs Grant	A fund of £5000 is available in 2018/19 for cleaning and clearance type works under this scheme as a pilot.
Landlord Loan Scheme	To provide incentives for landlords to improve standards for tenants in	<p>Must be a landlord and the own property</p> <p>Property must be tenanted and let, or</p>	Works to include fire protection, energy efficiency measures and works to address HHSRS category 1 and 2	Repaid if the Council carries out works in default or prosecutes the landlord within 5 years from the date	<p>£10,000</p> <p>Not more than £10,000 in any 10 year period</p>	No change from 2015 policy	£100,000 (2018/19)



	privately rented property.	available to let, for a period of 5 years from the date of the loan	hazards	of the loan.  Loan secured against the property. Loan with interest repayable within 5 years or when the property is sold (if sooner)			
Flexible Home Improvement Loan (FHIL)	Over 60's home improvement loan for works to improve the safety, comfort and security of their property  Empty Property Loans  To enable owners of empty homes to undertake repairs and renovations and bring	Owner Occupiers who are over 60 years old (in the case of joint occupiers one must be at least 60 and the second owner at least 55).  There must be sufficient equity in the property  The Council must be satisfied that the required works are appropriate	Repair or replacement works to the building structure  Energy efficiency and heating improvements  Works to improve security e.g. alarm installation  Adaptations to enable a disabled person to continue to live in the property	Flexible repayment terms. Loan to be repaid in full at sale of property  For Empty Home loans, Loan must be repaid within 5 years	Variable depending on available funds which are allocated quarterly by the Flexible Home Improvement Loan Company	No change from 2015 policy	Variable

	properties back into use						
Mandatory DFG	To provide essential adaptations to the homes of disabled people	Must be applicants permanent home  Must meet the eligibility conditions in Appendix 2	Need for adaptations identified by an Occupational Therapist from Bucks County Council  Examples include ramps, stairlifts, wet rooms	Interest free, local land charge placed on property equivalent to level of assistance provided, repayment, repayable within 10 years (in some cases) or when the property is sold (if sooner)	£30,000	No change from 2015 policy	Dependant upon the level of funding awarded by DCLG each year.
Discretionary DFG	Discretionary grant available for a range of measures including:  -To top up a Mandatory DFG  -Financial assistance for disabled people towards the costs of relocation to a	Must be eligible for a mandatory DFG  Where applicant is a child one parent must be in receipt of a means tested benefit.  For relocation assistance there must be an OT report confirming that new home is suitable to meet the persons needs. We must deem	Eligible works may include: Top up of up to £20,000 to cover additional costs for recipient of a Mandatory DFG (which is currently limited to £30,000)  For Minor works DFG – simple adaptations such as stairlifts, ramps and wet rooms where the cost of works is less than £10,000	Interest free, local land charge placed on property equivalent to level of assistance provided, repayment, repayable within 10 years (in some cases) or when the property is sold (if sooner)  Cost/benefit analysis of options available including relocation to a more suitable property	£20,000  (£10,000 for Minor Works DFG)	Combines the previous Hospital discharge Urgent Adaptations Grant, Relocation Grant and DFG Top – up Grant	Dependant upon the level of funding awarded by DCLG each year.

	<p>more suitable home</p> <p>-Minor works DFG (Fast track option for simple adaptations)</p>	<p>rehousing as the most suitable and cost effective solution</p> <p>For Minor Works Grant applicant must be in receipt of Council Tax support</p>	<p>Relocation costs including Estate Agent fees, Conveyancing fees and removal costs</p> <p>Discretionary works outside the scope of a Mandatory DFG when agreed by the Group Manager-Regulatory Services</p>	<p>Property must be occupied on a permanent basis by applicant unless hospital OT advises appropriate to discharge to another property</p> <p>(Minor Works Grant is not repayable)</p>			
<p>Better Homes Better Health Grant</p>	<p>Grant available following referral from health professional for energy/heating improvements</p>	<p>Must be an owner occupier</p> <p>Referred by a health professional/medical referral</p>	<p>Works may include; Heating improvements Insulation Works to remedy Damp and mould</p>	<p>Non-repayable</p> <p>Required measures to be confirmed by Housing Enforcement Officer</p>	<p>£2500</p>	<p>Note this scheme is administered by the National Energy Foundation</p>	<p>£25,000 2018/19 only</p>

**Note: This information is an illustrative guide only and may be subject to change following legal consultation and prior to the production of procedural documents for the individual grants and loans**

## **7. Publicity**

Information on private sector housing grant and loan assistance is provided via our website including information on how to apply for a grant or loan. Information provided includes:

- the process to be used to apply for assistance, including any preliminary enquiry system;
- how persons can obtain access to the process of applying for assistance;
- details of conditions that will apply to the provision of assistance, how conditions will be enforced and in what circumstances they may be waived;
- advice that is available, including financial advice, to assist persons wishing to enquire about, and apply for, assistance;

## **8. Implementation**

If approved the grants and loans specified within this policy would be implemented in the 2018/19 period following legal consultation and the draft of procedural documents.

## **9. Monitoring and review**

Spend against budget allocation is monitored on a monthly basis. There will be a need to review the implementation of all new grants and loans in terms of effectiveness, uptake and spend. However particular regard will need to be given to the Healthy Homes on Prescription and Discretionary DFG Schemes within the first year of implementation in order to consider and determine appropriate funding levels for the following year in relation to demand and outcomes.