

Private Sector Housing Renewal Policy

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Private Sector Housing Renewal Policy

Implementation date – April 2018

1.0 BACKGROUND

1.1. Introduction

This Policy explains how the Council will support local people and work with other agencies, both statutory and voluntary, to provide assistance for housing adaptations and essential repairs.

It also supports the Buckinghamshire Joint Strategic Needs Assessment 2016-2022 (JSNA) and the Buckinghamshire Affordable Warmth Strategy 2017-2022.

The Joint Strategic Needs Assessment outlines the main areas where housing and poor health are linked. It is designed to identify key issues relating to the health and wellbeing of Buckinghamshire residents, along with inequalities in health for specific population groups.

<https://www.buckscc.gov.uk/services/health-and-wellbeing/joint-strategic-needs-assessment-jsna/>

We recognise the importance of good quality housing, the role that housing plays in the wider community and the contribution it makes to people's quality of life. This is demonstrated in the Buckinghamshire Affordable Warmth Strategy, a copy of which is provided in Appendix A.

This Policy was first adopted in 2003 in response to the introduction of the Regulatory Reform Order 2002 which provided local authorities with general powers to provide assistance for repairs, improvements and adaptations to enable people to continue to remain in their homes.

In 2014 the Government recognised the contribution good, accessible, warm and safe housing makes to improved health and social care outcomes and passed the DFG Allocation capital funding to the Department of Health to be included in the Better Care Fund (BCF). This was then passed down to the local housing authorities by Buckinghamshire County Council as required by BCF regulation.

The inclusion of the Disabled Facilities Grant (DFG) Allocation within the BCF and the new focus on housing working more closely with health and social care partners provided the opportunity for the Council to carry out a review of DFGs and adaptations in the Wycombe district, reflected within this Policy.

1.2 Legislative context

It is known that poor quality housing can have an impact on the health of the occupants and on the quality of life in an area; the Building Research Establishment

(BRE) has calculated that poor housing costs the NHS at least £600 million per year. Some householders, particularly the elderly and most vulnerable, do not have the necessary resources to keep their homes in good repair.

1.2.1 The Housing Act 2004

The Housing Act places a duty on Local Authorities to keep housing conditions in their area under review. The Act introduced the Housing Health and Safety Rating System (HHSRS) risk assessment for residential properties.

The HHSRS assesses 29 potential hazards within a dwelling as either Category 1 or Category 2 hazards, with Category 1 being those placing the occupants at immediate risk of harm and requiring the Council to take appropriate action.

1.2.2 The Energy Act 2011

The Energy Act places an obligation on energy companies to help the poorest and most vulnerable households with saving energy. The Buckinghamshire Affordable Warmth Strategy 2017-2022 aims to enable residents across the County to achieve affordable warmth. The Council works with the National Energy Foundation (NEF) to provide a County-wide Affordable Warmth Network enabling residents to access advice and funding for energy efficiency measures.

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

The Regulatory Reform (Housing Assistance) (England and Wales) Order repealed much of the existing legislation governing the provision of grants to homeowners and replaced it with a new wide-ranging power to provide suitable mandatory and discretionary assistance for housing renewal.

1.2.4 Housing Grants, Construction and Regeneration Act 1996

This Act is the main legislation relating to Disabled Facilities Grants. The Act details the situations in which the Council must approve an application for a mandatory Disabled Facilities Grant. In addition to this it details the requirements for means testing applicants, approving or refusing applications and gives Local Authorities powers to require grant funding to be repaid upon disposal of the property.

1.3 Policy purpose and scope

This aim of this policy is to set out how the Council will use the various powers available, including the provision of financial assistance to provide a consistent approach to the use of capital resources for adapting the homes of vulnerable people in order to maintain their independent living for longer.

1.4 Financial Resources

The DFG Capital Allocation for Wycombe via the Better Care Fund has increased from £850,000 in 2016/17 to 1,085,703 in 2017/18. It is expected that the DFG Capital Allocation will increase nationally by 2019/20 to £500 million, providing incremental increases across Buckinghamshire. This policy aims to use this increased funding innovatively in order to improve the lives of vulnerable residents.

Funding for Council expenditure for those in fuel poverty within the private sector is dependent, in the main, on Government allocations and on competitive bidding for resources. As such, funding can fluctuate from year to year.

Through the Buckinghamshire Affordable Warmth Network, the Council will take every opportunity to bid for funding from other sources, to develop new and reinforce existing partnerships and to maximise income opportunities.

1.5 Housing conditions in the Wycombe district

The 2011 Census put the population at 171,700, almost 7,000 more people than the last pre-Census mid-year estimates. The latest ONS projections for Wycombe (taking account of the 2011 Census) estimates that the district's population will grow to 178,587 people in 2021.

Wycombe is generally a prosperous area with low unemployment. However, the District has an aging population and pockets of deprivation in both the urban and rural areas, such as Castlefield, Oakridge, Bowerdean, Micklefield and Lane End. Local house prices are often beyond the means of key workers and local people

1.6 Local Strategic Context

The Sustainable Community Strategy 2013 - 2031 aims to tackle the key challenges to maintain and improve its economic, social and environmental well-being. We are committed to these aims and to delivering the council commitment that in 2026 Wycombe District will be economically strong, and a good place to live, work and visit.

The strategy includes a number of aims which will impact on the district's housing issues, including:

- More older people living independently
- High quality homes in both existing and new properties
- More homes in the district to meet local needs with affordable housing in all new housing developments
- Enough local homes for people working in the district so they do not have to commute long distances
- Increased social inclusion and better life chances for all

1.7 Partnership Working

In delivering this Policy the Council works closely with the other Buckinghamshire Councils and Community Occupational Therapists to establish strategies and policies affecting the delivery of DFGs and discretionary financial assistance.

The Council also works closely with the National Energy Foundation as part of the Buckinghamshire Affordable Warmth Network, providing advice, support and access

to funding to improve the energy efficiency of homes for the most vulnerable households, including those in fuel poverty.

2.0 Policy Objectives

The aim of this policy is to set out the structure of assistance, grants, loans and initiatives that the Council will undertake to promote improvements to the quality and choice of housing within the private sector.

By implementing this policy the Council intends to make the Wycombe district a better place to live and also to improve the health and wellbeing of some particularly excluded and vulnerable residents.

This policy applies to all forms of mandatory and discretionary financial assistance provided by the Council for the purposes of private sector housing renewal.

3.0 General Eligibility Conditions

Assistance will not normally be given where works have commenced before the Council has given its approval in writing.

Applications for assistance will not normally be approved for works which fall outside the policy below. However, exceptional cases may be considered by appeal on an individual basis.

All applications for financial assistance from the Council must be accompanied by valid UK photographic identification for adult applicant(s), along with proof of their current address. For child applicants, an original birth certificate must be provided. The Council may investigate where it is believed that the applicant does not reside at the address for which an application for financial assistance has been made in their name.

The Council may use credit check and on-line investigator systems to check whether or not an applicant for any grant or loan (detailed below) has other bank accounts or outgoings that they have not declared to us.

The amount of funding available to pay for grants and loans is strictly limited and assistance can only be approved where financial resources permit.

4.0 Assistance Available

Only one application for discretionary funding can be made in any 10 year period.

4.1 Disabled Facilities Grant (DFG)

This is a mandatory grant available to provide essential adaptations to the homes of disabled people to ensure they have reasonable access into and around their home

and to essential facilities within it. DFGs are administered under the Housing Grants, Construction and Regeneration Act 1996.

4.1.1 Eligibility Criteria

A person is eligible to apply for a DFG in the following circumstances

- The applicant is an owner, a tenant or a landlord, and
- The applicant intends for the disabled person to live in the property as his/her only or main residence for a period of five years (or such shorter period as health and other relevant circumstances permit), and
- The applicant must be either registered as disabled with the local welfare authority, or be eligible for registration.

4.1.2 Eligible Works

The need for adaptation is determined by an Occupational Therapist. The Council will only act on recommendations made by the Occupational Therapist, where the work is

- Mandatory under s23 of the Housing Grants, Construction and Regeneration Act 1996, and
- Confirmed by the Community Occupational Therapy service as being necessary and appropriate to meet the disabled person's needs, and
- Considered reasonable and practicable having regard to the age and condition of the property.

The final decision on whether to grant aid an adaptation lies with the Council.

4.1.3 Amount of Grant

Except where the disabled person is a child or young person as defined in the Act, the Council must carry out a test of the financial resources of the disabled person to assess how much they have to pay towards the work. Where the applicant is an owner or a tenant, the test of resources set out in the Housing Renewal Grants Regulations 1996 will be applied.

The amount of grant is equivalent to the reasonable cost of the work (or the maximum statutory grant level, currently £30,000, where the cost of work required exceeds this), less the applicant's contribution.

Where the applicant has a contribution to pay or is undertaking privately funded work in addition to grant funded elements, the Council will expect these amounts to be paid in full to the contractor prior to any grant funds being released. Confirmation will be required from the contractor that all monies owed to them by the applicant has been paid in full.

4.1.4 Repayment

The Council will register a Legal Charge (against the title, at the Land Registry in case of registered land and in the case of unregistered land, the Legal Charge

would be protected by Land Charges entry against the names of the properties) on properties where a grant has been paid.

The charge is only registered against adapted properties of owner occupiers where the mandatory grant exceeds £5,000. The maximum charge registered is limited to £10,000.

The charge will be payable where the property is disposed of within 10 years (whether by sale, assignment, transfer or let).

4.1.5 Conditions

A full copy of the Disabled Facilities Grant conditions is available on receipt of a written request.

4.2 DISABLED FACILITIES TOP UP GRANT

This is a discretionary grant available as a top up to a mandatory Disabled Facilities Grant (DFG) where the cost of the required mandatory works exceeds the maximum mandatory grant limit of £30,000.

4.2.1. Eligibility Criteria

A person is eligible to apply for a discretionary top up grant where

- The Council is in possession of a completed mandatory DFG application, including quotations showing the cost of the relevant works, and
- The applicant is the owner of the property or a child, and
- The disabled person lives in the property as their main residence, and
- The total cost of work required to meet the applicant's needs, as assessed by a Community Occupational Therapist, exceeds the maximum mandatory grant limit, and
- The application is accompanied by a report by the case officer.

4.2.2 Amount of Grant

Discretionary DFG top-up funding to a maximum of £15,000 is available in the following situation.

- Adaptations must be mandatory in accordance with the Housing Grants, Construction and Regeneration Act and where the costs exceed the maximum grant of £30,000, and
- the scheme cannot be reasonably scaled back to within the grant limit, and

Each complete application for discretionary top-up funding will be considered by the Council's Grants Panel on an individual basis and will be subject to a cost benefit analysis.

4.2.3 Conditions

The Council will register a Legal Charge (against the title, at the Land Registry in case of registered land and in the case of unregistered land, the Legal Charge would be protected by Land Charges entry against the names of the properties) on

properties where a grant has been paid, requiring repayment in full when the property is disposed of (whether by sale, assignment, transfer or let).

Only one application for discretionary funding can be made in any 10 year period.

A full copy of the Disabled Facilities Top Up Grant conditions is available on receipt of a written request.

4.3 DISCRETIONARY WORKS GRANT

This is a discretionary grant available where works required are outside the scope of a mandatory DFG.

4.3.1. Eligibility Criteria

A person is eligible to apply for a Discretionary Works Grant where

- The Council is in possession of a completed mandatory DFG application, and
- The applicant is the owner of the property or a child, and
- The disabled person lives in the property as their main residence, and
- The discretionary work is as assessed by a Community Occupational Therapist, as necessary to meet the disabled person's needs, and
- The application is accompanied by a report by the case officer.

4.3.2 Amount of Grant

A discretionary grant of up to £15,000 is available.

Each complete application for a Discretionary Works Grant will be considered by the Council's Grants Panel on an individual basis and will be subject to a cost benefit analysis.

4.3.3 Conditions

Where a Discretionary Works Grant has been paid, the Council will register a Legal Charge (against the title, at the Land Registry in case of registered land and in the case of unregistered land, the Legal Charge would be protected by Land Charges entry against the names of the properties) on properties where a grant has been paid, requiring repayment in full when the property is disposed of (whether by sale, assignment, transfer or let).

Only one application for discretionary funding can be made in any 10 year period.

A full copy of the Discretionary Work Grant conditions is available on receipt of a written request.

4.4 RELOCATION GRANT

This is a discretionary grant available to owner occupiers where the existing property cannot be easily adapted within the maximum mandatory grant limit and a move to an alternative property is a more suitable option.

This grant is available for

- Estate agent fees
- Conveyancing fees
- Removal costs

4.4.1. Eligibility Criteria

A person is eligible to apply for a Relocation Grant where

- The current property cannot be easily adapted, and
- The new property can be easily adapted within the maximum mandatory grant limit, and
- where the new property is assessed as suitable to meet the disabled persons needs by an Occupational Therapist, and
- The disabled person intends to live in the property as their main residence, and
- The application is accompanied by a report by the case officer.

4.4.2 Amount of Grant

Each application for a Relocation Grant will be considered by the Council's Grants Panel on an individual basis and will be subject to a cost benefit analysis.

A discretionary grant of up to £5,000 is available where the current property cannot be easily adapted and where the new property is assessed as suitable to meet the disabled person's needs by an Occupational Therapist.

Applications for a Discretionary Relocation Grant will not be subject to a test of resources.

4.4.3 Conditions

Where a Relocation Grant has been paid the Council will register a Legal Charge (against the title, at the Land Registry in case of registered land and in the case of unregistered land, the Legal Charge would be protected by Land Charges entry against the names of the properties) on properties where a grant has been paid, requiring repayment in full when the property is disposed of (whether by sale, assignment, transfer or let).

Only one application for discretionary funding can be made in any 10 year period.

A full copy of the Relocation Grant conditions is available on receipt of a written request.

4.5 FLEXIBLE HOME IMPROVEMENT LOAN

Loans are available to owner occupiers within the Wycombe District who are aged 60 years or over.

The Council will consider improvements that will make the home safer, warmer, healthier or more comfortable. The loan amount is flexible and subject to available funding, with a minimum of £1,000 and a maximum loan of £30,000.

Repayment terms are flexible with borrowers able to choose whether to make capital and interest repayments, interest only, occasional payments at the discretion of the borrower, or no payments. Borrowers are also free to vary the arrangements at any time.

The loan, plus outstanding interest, must be repaid if the home is sold, or if the borrower(s) cease to occupy it. The loan can also be paid off at any time without penalty. The interest rate is set at the Bank of England base rate, subject to a minimum of 3.5% and a maximum of 7.0%.

4.5.1 EXCEPTIONAL CIRCUMSTANCES LOAN

As an extension of the Flexible Home Improvement Loan scheme, the Council will, under certain circumstances, consider applications which do not meet all of the stated conditions.

In particular, applicants in receipt of one or more of the following benefits may be considered if their property is assessed as being filthy and verminous or have multiple category 2 hazards, which present a serious threat to the health and/or safety of the applicant(s).

- Income support
- Guaranteed pension credit
- Employment and support allowance (income related)
- Housing benefit
- Working Tax Credit (with disability element where annual income is below the amount set by the Working Tax Credit Regulations, currently £15,460)
- Child Tax Credit (where annual income is below the amount set by the Working Tax Credit Regulations, currently £15,460)

Payments are flexible with borrowers able to choose how to make payments, being free to vary the arrangements at any time. The loan, plus outstanding interest, must be repaid if the home is sold, or if the owners cease to occupy it. The loan can also be paid off at any time without penalty. The interest rate is set at the Bank of England base rate and will be a minimum of 3.5% and a maximum of 7%.

4.6 EMPTY HOME LOANS

Empty Home Loans of up to a maximum of £30,000 are available to enable owners to bring long-term empty properties back to the housing market. The loan and all interest is repayable within 5 years or when the property is sold, if sooner.

The loan is available to Homeowners or those wishing to purchase a property which has been empty for over 2 years. The owner can choose to occupy or let the property.

The interest rate for an Empty Homes Loan is 2.0% above the Bank of England base rate, subject to a minimum of 5.0% and a maximum of 7.5%.

4.7 ENERGY COMPANY OBLIGATION (ECO) AND EXTERNAL FUNDING FOR ENERGY EFFICIENCY MEASURES

Through a range of measures, the Council aims to tackle fuel poverty, energy efficiency and carbon reduction issues in private sector housing, particularly where it impacts on the most vulnerable and excluded households in the district and at the same time contribute to the Council's efforts to combat climate change. This will be undertaken in accordance with the Buckinghamshire Affordable Warmth Strategy and the Council's current Home Energy Conservation Act (HECA) Progress Report.

<https://www.wycombe.gov.uk/uploads/public/documents/Housing/Home-Energy-Conservation-Act-progress-report.pdf>

Through the Buckinghamshire Affordable Warmth Network, the Council will continue to offer residents access to Energy Company Obligation funding and to seek and bid for sources of external funding for energy efficiency measures. Any capital funding will be allocated in accordance with relevant terms and conditions.

4.8 WARM HOMES GRANT

This discretionary fund is to be used as a top-up to other sources of funding for energy efficiency measures, such as those available through the Government's Energy Company Obligation (ECO).

4.8.1 Eligibility Criteria

Funding will be made available from time to time to a specific target group in accordance with the requirements of a relevant project, managed by the Council or National Energy Foundation.

4.8.2 Amount of Grant

A maximum grant of £5,000 is available for specified energy efficiency measures to support residents on a low income or living in fuel poverty.

A Legal Charge will be registered against the property with funding repayable if the home is sold, or if the owner ceases to occupy it within five years.

4.8.3 Application Procedure

To access a grant a referral must be made to the Council via the Buckinghamshire Affordable Warmth Network.

4.8.4 Conditions

The grant cannot be given retrospectively.

A full copy of the Warm Homes Grant conditions is available from the Council on receipt of a written request.

4.9 HEALTHY HOMES ON PRESCRIPTION

4.9.1 Eligibility Criteria

This discretionary Grant, to a maximum of £5000, is available to owner occupiers who have been assessed by a health or social care professional as being vulnerable, whether due to a disability or long-term health condition.

Each application will be considered, subject to the following requirements

- The Council is in possession of a referral from a relevant health professional supporting the essential works, and
- The applicant is the owner of the property, and
- The disabled person lives in the property as their main residence, and
- Where appropriate, the work has been assessed by an Occupational Therapist, as essential to meet the disabled person's needs, and
- The property has been inspected by a member of the Private Sector Housing Team.

4.9.2 Eligible Works

Funding is available for measures specified by the Council as being urgently required to prevent injury or illness. This may include small scale adaptations, repairs or improvements to a property to enable the occupant to return from hospital more quickly.

Works may also be undertaken to reduce the likelihood of persons requiring a hospital admission through a fall or other incident caused by disrepair, excess cold or presence of another category 1 hazard or multiple category 2 hazards which cannot be adequately addressed through other available funding.

4.9.3 Application Procedure

In order to access the fund, a referral will be required from a health or social care professional and will be limited to those measures assessed by the Council as being specifically required to prevent emergency hospital admissions or to enable a person to return from hospital more quickly. For some adaptations an Occupational Therapist assessment may be required.

4.9.4 Conditions

The grant is not available where the applicant is eligible to have the works completed through a mandatory DFG or other available source of funding.

The grant cannot be given retrospectively and only one application can be made in any 5 year period.

The grant is not subject to a test of resources and is not repayable.

A full copy of the Healthy Homes on Prescription conditions is available from the Council or receipt of a written request.

5.0 Fees and Charges

The following fees and charges may be eligible for assistance –

- Fees in connection with provision of Proof of Title
- Specialist contractor's fees in relation to information required in support of an application. This may include Gas Safe or Electrical Contractors report fee, a structural Engineer's fee etc
- The fees of an architect or surveyor for preparing drawings, detailed specification and overseeing the works
- Fees of an Occupational Therapist in connection with an application for a DFG or Healthy Homes on Prescription
- Any other fees and charges which the Council determine to be eligible.

The grants officer will determine which of the above fees are eligible in each case. Reasonable amounts will be allowed, in accordance with the current market rates.

6.0 FRAUDULENT APPLICATIONS

The Council will investigate any application for funding that they suspect to be fraudulent. Where a person has made a fraudulent application they will lose the right to apply for assistance and may be subject to legal action. If assistance has been paid and is it subsequently proven that fraud was involved, action will be taken to recover the amount paid.

The Council may use credit check and on-line investigator systems to check whether or not an applicant for any grant or loan has any other bank accounts, property, income or outgoings that they have not declared to us.

All applications for financial assistance from the Council must be accompanied by valid UK photographic identification for adult applicant(s), along with proof of their current address. For child applicants, an original birth certificate must be provided. The Council may investigate where it is believed that the applicant does not reside at the address for which an application for financial assistance has been made in their name.

Any applications which are being investigated in respect of fraud will not be processed whilst the investigation is ongoing.

7.0 GRANTS PANEL

Applicants for assistance will be considered by the Council's grants panel. This panel will consist of the relevant case officer, Private Sector Housing Team Leader or nominated deputy as well as representatives from other relevant Council services. Where relevant the panel may also include a representative from the Community Occupational Therapy service.

8.0 APPEALS

Appeals about how the policy is operated in individual cases, for example, where an enquiry or application for assistance is refused, will be considered by the Housing Service Manager or nominated deputy in the first instance.

Appeals must be set out in writing and must include the specific grounds on which the appeal is based. Appeals will be considered only on the following grounds:

- that the policy has not been applied correctly in the case in question, for example there has been a mistake, or
- that the case in question is exceptional in some way that justifies an exception to the general policy.

The Private Sector Housing Team Leader will thoroughly review the application and advise the applicant in writing of the outcome of this review within 10 working days. Should the review be complex, then the applicant will be advised in writing of when they can expect a full reply.

Appeals will not be considered on the grounds that the appellant simply disagrees with the policy. However, any written comments and complaints about the policy will be considered.

Further details on the Council's complaints procedures can be found on the Council website.

<https://www.wycombe.gov.uk/pages/About-the-council/Have-your-say/Complaints-and-compliments.aspx>

9.0 MONITORING AND REVISION OF THE POLICY

The Council may adjust the levels of discretionary funding available. Any changes will be made in consultation with the Head of Environmental Health and the appropriate Cabinet Member.

The Policy will be reviewed following any significant changes and in line with current Government Guidance.