



Rochford District Council

Housing Assistance Policy V4

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1.0 Introduction

1.1 Introduction to the policy

The Council's view is that it is primarily the responsibility of homeowners to maintain their own property but accepts some homeowners, particularly the elderly and most vulnerable, do not have the necessary resources to keep their homes in safe and good repair. This policy reflects this safety net approach and provides a range of flexible discretionary offers of assistance as well as the mandatory Disabled Facilities Grant to support the Council's Health and Wellbeing priorities.

Apart from the mandatory Disabled Facilities Grant (DFG) all housing assistance referred to in this policy is discretionary and subject to the council having sufficient funds available.

This Discretionary Housing Assistance Policy will be subject to review and will be amended as required to consider changes in the economic climate and changing policies at national and regional level and all available information on the condition of the private housing sector in the district.

Any Discretionary Housing Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

The Environmental Health Manager & Director of Communities & Health will consider exceptional circumstances outside the scope of the policy.

In particular it focuses on:

- **Providing a range of adaptations to meet individual residents needs to enable them to live safely and independently at home.**
- **Maximising the housing stock to enable long term empty homes to be brought back in to use**
- **Improving the condition of the private sector housing stock through financial assistance and where applicable enforcement action.**

All grants are available subject to the eligibility criteria and conditions.

1.1.1 One of the Council's Business Plan priorities is 'We will endeavour to help to provide good quality homes for all of our residents'. Furthermore, two key aims of the Communities & Health directorate are 'to support residents to feel safer and healthier in their home' and 'to increase the supply of safe homes across the private rental stock'.

1.1.2. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 requires local authorities to develop a policy for providing households with financial assistance to improve their homes these services can be provided in partnership with others.

1.1.3 This policy sets out how the Council will use the provision of financial assistance to support residents in improving their health and wellbeing by addressing problems with substandard and /or unsuitable homes. Housing assistance has a role in supporting the wider adult social care prevention agenda; specifically, those aims of the Care Act 2014 to promote wellbeing and independence and prevent the delay of care and support needs. In appropriate cases, financial assistance may be available, or enforcement action may be necessary.

1.1.4 This policy will be implemented by the Council's Private Sector Housing Team

1.2 Background

There is a growing body of evidence detailing the many ways that inadequate housing adversely affects health. The condition of a property has the potential to have both direct and indirect impacts on physical, social and mental health & wellbeing, from indoor dampness and mould, excess cold to physical injuries from falls, the links between poor housing and health are many and complex.

1.2.1 According to the British Research Establishment (BRE), it is now widely accepted that the calculated cost of poor housing to the NHS is approximately £1.4 billion. This represents first year treatment costs of those living in the poorest 15% of the housing stock. If expanded to include all homes the figure rises to approximately £2.5 billion.

1.2.2 In July 2016 the Council commissioned the BRE to report on the condition of housing stock within the district. The resulting stock model combined information on property type, age, construction, insulation and heating method. This gives an overall assessment of the condition of the property. The model also provides the Council with information on the economic status of the residents.

1.2.3 An indication of the condition of the housing stock can be gained by the number of Category 1 hazards estimated to be in the district. Category 1 hazards are defined within the provisions of the Housing Health and Safety Rating System (HHSRS). This risk-based evaluation tool was introduced under the Housing Act 2004.

1.2.4 Based on the 2016 modelled data, 12% (3,834) of private sector dwellings in the district have Category 1 hazards present. Of these 3,348 are in the owner-occupied sector and 486 are in the private rented sector. This equates to 11% of owner-occupied dwellings containing hazards and 15% of the private rental properties. Falls and Excess Cold were found to be the most common category 1 hazards.

1.2.5 The Private Sector Housing Team will continue to develop a range of services to encourage homeowners and landlords to improve their properties.

1.3 Future Review of the Policy

1.3.1 This policy may be reviewed at any time, but within 5 years in any case.

1.4 **Policy Implementation**

1.4.1 The policy will be operative from 14th October 2023 and will only come to an end when it is superseded by any new Housing assistance policy resulting from a future review.

1.5 **Cases Falling Outside the Policy**

1.5.1 The policy details the circumstances in which an application for assistance will normally be approved. However, all applications for discretionary assistance will be considered on their own merits; even where it may fall outside of the policy. In such cases, assistance may be offered as the discretion of the Environmental Health Service Manager if the need is justified.

1.5.2 Anyone who feels that their application for assistance has been refused unfairly by the Environmental Health Manager is entitled to request a review. Where appropriate, the matter will be referred to the Council's Director of Communities & Health Directorate for the final decision.

1.6 **Cases where Discretionary Assistance is not Available**

Registered Social Landlords have a prescriptive duty of care to their tenants and must meet certain standards and targets relating to the condition of their dwellings such as The Decent Homes Standard, and they are able to access other sources of funding due to their status. RSL's also have a duty to provide reasonable adaptations to its own properties to meet the needs of occupying individuals and families with disability needs.

The Council therefore expects RSL's to conform to these duties on behalf of their tenants. The Council does not believe that Registered Social Landlords should have an automatic right to access Disabled Facilities Grant Funding. Therefore, except for **mandatory** Disabled Facilities Grants, tenants of Registered Social Landlords (RSL) cannot apply for assistance under any other form of assistance contained within this policy. In all cases where the tenant of an RSL is assessed by an Occupational Therapist as requiring an adaptation, the Occupational Therapist will first approach the RSL by formal written request for them to fund and complete the adaptation. If the RSL are unable to fund the adaptation a financial contribution towards the cost of the adaptation works by the council may be requested. The DFG may not proceed until a response has been received.

2.0 Types of Financial Assistance:

2.1 The table below provides a list and value associated with this Housing Assistance Policy. Details specific to the forms of assistance can be found in appendices A-E.

Assistance Title	Maximum Value
Disabled Facilities Grant Mandatory Appendix A	£30,000
Discretionary Housing Assistance Introduction Appendix B	N/A
Disabled Facilities Grant Discretionary Appendix C x2	£20,000
Well Homes Grant (Discretionary) Appendix D	£1,000 (discretion can be applied subject to funds available)
Empty Property Grant Appendix E	£5,000.00 (set amount min/max)

3.0 Appendices

3.1 Appendix A Disabled Facilities Grant Mandatory

3.1.1 Purpose: The Council in its role as a local housing authority has a statutory duty to provide Disabled Facilities Grants (DFG) to help eligible applicants under the Housing Grants, Construction and Regeneration Act 1996 (the Act) to help pay towards the cost of adapting their homes to meet the needs of disabled persons. The amount given will vary because it is a means tested grant.

3.1.2 Eligibility

Any residents who own or rent a house, bungalow, flat, houseboat or caravan with an occupant who is registered disabled (or is eligible to be) may apply for a Disabled Facilities Grant for adaptations. Landlords may also apply on behalf of their tenant.

Housing Association tenants are firstly required to approach the Housing Association with regard the funding of the proposed adaptation. The Private Sector Housing Service may approach the Housing Association for evidence of their adaptations budget before agreeing any grant funding or request a contribution towards the cost of the work required.

Each case must be supported by a recommendation from an Occupational Therapist either with Essex County Council Social Services or a Private Occupational Therapist recommendations may be discussed at panel .

The Council reserves the right to refuse grant aid where the works are not necessary, appropriate, reasonable, practicable, and excessively expensive or the property is not suitable for adaptation.

3.1.3 Qualifying Works (must be of a value of £1,000.00 minimum)

These works will only be eligible if a recommendation for them is made by an Essex County Council or Private Occupational Therapist.

The purposes for which **mandatory** Disabled Facilities Grants may be given are adaptations to provide the disabled person with:

- ✓ Access into and around the dwelling
- ✓ A safe and suitable dwelling (e.g. providing or improving a heating system, eliminating or reducing changes in level)
- ✓ Access to bathroom facilities
- ✓ Access to suitable bedroom facilities
- ✓ Access to main living/family room
- ✓ Access to suitable lighting, heating and ventilation
- ✓ Access to kitchen facilities
- ✓ Access to the garden
- ✓ Any adaptations necessary to enable the disabled person to care for dependent residents.
- ✓ Professional Fees related to the grant aided works (also known as preliminary and ancillary fees) these may include Council costs.

Where a number of suitable options have been identified to meet the needs of the disabled person, the council will only provide a grant for the most cost-effective. If the customer's preferred option is not the most cost-effective, they must pay the difference between the two options, as well as any assessed contribution.

3.1.4 The Means Test

DFG applications will be means tested in accordance with the Government's rules applicable at the time of valid application. Periodically, these change and this policy is intended to follow and implement the means testing rules.

All applications must be made by the owner, the tenant or the landlord of the property. The means test is only applied to the disabled person (and his/her partner).

The rules are strict and are based mainly on the disabled person's income – there are a few statutory deductions (such as National Insurance, Income Tax and half pensions plan payments for working people and Child Tax and Working Tax Credits). It does not take in to account the disabled person's outgoings. The main points to note are:

(a) If the disabled person is a child, the application needs to be made by the owner of the property but there is no means test. (Please note that a 'child' for this purpose means a child under the age of 16, or 19 if the child is in full-time education of the type specified in the regulations)

(b) If the disabled person is in receipt of a qualifying income- related benefit*, then means testing will not apply to the application.

*(*Guaranteed Pension Credit, Universal Credit, Income Support, Income based Job Seekers Allowance, Income related Employment and Support Allowance, Housing Benefit and Tax Credits for those on low incomes)*

(e) The result of the means test gives the applicant's contribution towards the cost of the works. This contribution can vary from zero to the full cost of the works. If the assessed contribution exceeds the cost of works the applicant will not be eligible for financial assistance.

There is no right of appeal in relation to the means test as it is set under legislation and the council has no control or influence over the calculation.

3.1.5 Amount of Grant Payable

The cost of any works started and/or completed before the application has been approved will normally be excluded from the approved amount.

The maximum grant is currently set at £30,000 less the applicant's assessed contribution. Previous contributions for DFG will be taken into account.

The grant will not normally be paid if the approved works are started but the dwelling ceases to be the applicant's only or main residence. The Council can allow the works to continue to completion and has discretion as to pay the whole grant or pay part of the grant relating to any works completed at the time of disposal of the property. In either case the Council can demand repayment of any amount of grant paid.

3.1.6 Grant Conditions

DFGs are approved subject to statutory conditions regarding occupation of the property throughout the five-year grant condition period. Providing that the disabled person stays in the property for the five years, the grant is not repayable at all unless the grant value exceeds £5,000.00.

If the property is sold or transferred within the five-year grant condition period, the Council will need to look at the reason for the sale or transfer and may demand repayment of the grant in full.

There may be three other conditions attached to the grant. These are:

- (a) Funded works must be carried out within 12 months of the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- (b) Payment can only be made when the works have been completed to a satisfactory (but not necessarily a good) standard and the council has received a suitable invoice, demand or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council. Payment is normally made direct to the building contractor.
- (c) In the case where DFG work is required whilst an insurance or legal claim is going through the Courts system, repayment of the full grant will be necessary from the proceeds of the successful claim.

3.1.7 Grant Repayment Requirements

- **Breach of Grant conditions:** If the applicant sells or transfers the property within the five year grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.
- **Where the grant approved is more than £5000**, the Council may secure a recoverable charge on the property of up to £10,000. This means that it is registered as a local land charge and will stay in force for 10 years.

3.18 Waiting List

Generally, the Council does not have a waiting list for Disabled Facilities Grants, but on occasions it may be necessary to implement a system e.g., to adequately manage resources, particularly financial resources Notwithstanding; any valid DFG applications subject to the waiting list will comply with statutory time limits for approval.

Where a waiting list is introduced it will be a simple date order based system or a priority based system. The Environmental Health Manager will be responsible for determining the priority of a case based on information provided by the Occupational Therapist

3.19 Removal of Adaptations and Reinstatement Works

Generally, the Council do not and will not remove adaptations when they are no longer required. Neither are any reinstatement works carried out. If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

3.2 Appendix B Discretionary Housing Assistance

Rochford District Council (“the Council”) in its role as a local housing authority, has the discretion to provide a Housing Assistance Policy to qualifying applicants under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

This policy has been made in accordance with the above ‘Order’ and comes into effect 1st April 2021.

The policy sets out the basis upon which Rochford District Council will offer discretionary repayable assistance (“Housing Assistance”) for works of repair, renewal or adaptations in the private housing sector. It is to be read in conjunction with the Housing Grants, Construction and Regeneration Act 1996 (“the Act”) as amended and the Council’s housing Strategy.

With the exception of mandatory Disabled Facilities Grants (DFGs) all Housing Assistance referred to in this policy is discretionary and subject to the Council having sufficient funds available.

This Discretionary Housing Assistance Policy will be subject to review and will be amended as required to consider changes in the economic climate and changing policies at national and regional level and all available information on the condition of the private housing sector in the district. Any Discretionary Housing Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

Housing Assistance will not be given for work carried out by the applicant themselves or by anyone related to them. The Council will not allow and will not approve any housing assistance for DIY works to be carried out.

3.3 – Appendix C Disabled Facilities Grant Non Means Tested (Discretionary)

3.3.1 Purpose: Rochford District Council (“the Council”) in its role as a local housing authority, has the discretion to provide discretionary funding outside of the scope of the mandatory DFG to assist disabled persons in adapting their home under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

To provide assistance to a greater number of disabled persons.

3.3.2 Eligibility

Any residents who own or rent a house, bungalow, flat, houseboat or caravan with an occupant who is registered disabled (or is eligible to be) may apply for a Disabled Facilities Grant for adaptations. Landlords may also apply on behalf of their tenant.

Housing Association tenants are firstly required to approach the Housing Association with regard the funding of the proposed adaptation. The Private Sector Housing Service may approach the Housing Association for evidence of their adaptations budget before agreeing any grant funding or request a contribution towards the cost of the work required

Each case must be supported by a recommendation from an Occupational Therapist with Essex County Council Social Services.

The Council reserves the right to refuse grant aid where the works are not necessary, appropriate, reasonable, practicable, and excessively expensive or the property is not suitable for adaptation.

Any Discretionary Housing Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

3.3.3 Qualifying Works

These works will only be eligible if a recommendation for them is made by an Essex County Council Occupational Therapist.

The purposes for which **discretionary non means tested** Disabled Facilities Grants may be given are adaptations to provide the disabled person with:

- ✓ Bathroom adaptations including specialist WC
- ✓ Straight or Curved Track Stair Lifts
- ✓ Bathroom and a stair lift installed together under one recommendation
- ✓ Any adaptation under the value of £5000.00
- ✓ Professional Fees related to the grant aided works (also known as preliminary and ancillary fees) these may include Council costs.

3.3.4 Amount of Grant Payable

The cost of any works started and/or completed before the application has been approved will normally be excluded from the approved amount.

The maximum discretionary grant is currently set at £20,000.

The grant will not normally be paid if the approved works are started but the dwelling ceases to be the applicant's only or main residence. The Council can allow the works to continue to completion and has discretion as to pay the whole grant or pay part of the grant relating to any works completed at the time of disposal of the property. In either case the Council can demand repayment of any amount of grant paid.

3.3.5 Grant Conditions

DFGs are approved subject to statutory conditions regarding occupation of the property throughout the five-year grant condition period. Providing that the disabled person stays in the property for the five years, the grant is not repayable at all unless the grant value exceeds £5,000.00.

If the property is sold or transferred within the five-year grant condition period, the Council will need to look at the reason for the sale or transfer and may demand repayment of the grant in full.

There may be three other conditions attached to the grant. These are:

- ✓ Funded works must be carried out within 12 months of the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- ✓ Payment can only be made when the works have been completed to a satisfactory (but not necessarily a good) standard and the council has received a suitable invoice, demand or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council. Payment is normally made direct to the building contractor.
- ✓ In the case where DFG work is required whilst an insurance or legal claim is going through the Courts system, repayment of the full grant will be necessary from the proceeds of the successful claim.

3.3.6 Grant Repayment Requirements

- **Breach of Grant conditions:** If the applicant sells or transfers the property within the five year grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.
- **Where the grant approved is more than £5000**, the Council may secure a recoverable charge on the property of up to £10,000. This means that it is registered as a local land charge and will stay in force for 10 years.

3.3.7 Removal of Adaptations and Reinstatement Works

Generally, the Council do not and will not remove adaptations when they are no longer required. Neither are any reinstatement works carried out. If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

3.4 – Appendix C Disabled Facilities Grant Child Respite care (Discretionary)

Mandatory DFG assistance can only be provided for the 'sole or main residence'

3.4.1 Purpose: Rochford District Council ("the Council") in its role as a local housing authority, has the discretion to provide discretionary funding outside of the scope of the mandatory DFG to assist disabled persons in adapting their home under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

This discretion is applied to assist those offering respite to parents or carers of disabled children the necessary adaptations to their property.

3.4.2 Eligibility

Any residents who own or rent a house, bungalow, flat, houseboat or caravan with an occupant who is registered disabled (or is eligible to be) may apply for a Disabled Facilities Grant for adaptations. Landlords may also apply on behalf of their tenant.

Respite must be provided on a weekly or monthly basis. (There are no restrictions on the number of days /hours)

Each case must be supported by a recommendation from an Occupational Therapist with Essex County Council Social Services.

The Council reserves the right to refuse grant aid where the works are not necessary, appropriate, reasonable, practicable, and excessively expensive or the property is not suitable for adaptation.

Any Discretionary Housing Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

3.4.3 Qualifying Works

- ✓ Access into and around the dwelling
- ✓ Access to bathroom facilities
- ✓ Access to suitable bedroom facilities
- ✓ Access to main living/family room
- ✓ Access to the garden
- ✓ Straight or Curved Track Stair Lifts
- ✓ Professional Fees related to the grant aided works (also known as preliminary and ancillary fees) these may include Council costs.

3.4.4 Amount of Grant Payable

The cost of any works started and/or completed before the application has been approved will normally be excluded from the approved amount.

The maximum discretionary grant is currently set at £20,000.

The grant will not normally be paid if the approved works are started but the dwelling ceases to be the applicant's only or main residence. The Council can allow the works to continue to completion and has discretion as to pay the whole grant or pay part of the grant relating to any works completed at the time of disposal of the property. In either case the Council can demand repayment of any amount of grant paid.

3.3.5 Grant Conditions

DFGs are approved subject to statutory conditions regarding occupation of the property throughout the five-year grant condition period. Providing that the disabled person stays in the property for the five years, the grant is not repayable at all unless the grant value exceeds £5,000.00.

If the property is sold or transferred within the five-year grant condition period, the Council will need to look at the reason for the sale or transfer and may demand repayment of the grant in full.

There may be three other conditions attached to the grant. These are:

- ✓ Funded works must be carried out within 12 months of the date of approval. In exceptional cases, the Council may extend this and will notify the applicant in writing of their decision.
- ✓ Payment can only be made when the works have been completed to a satisfactory (but not necessarily a good) standard and the council has received a suitable invoice, demand or receipt for payment of the works. Please note that any such documents must be addressed to the applicant not the Council. Payment is normally made direct to the building contractor.
- ✓ In the case where DFG work is required whilst an insurance or legal claim is going through the Courts system, repayment of the full grant will be necessary from the proceeds of the successful claim.

3.4.6 Grant Repayment Requirements

- **Breach of Grant conditions:** If the applicant sells or transfers the property within the five year grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.

- **Where the grant approved is more than £5000**, the Council may secure a recoverable charge on the property of up to £10,000. This means that it is registered as a local land charge and will stay in force for 10 years.

3.4.7 Removal of Adaptations and Reinstatement Works

Generally, the Council do not and will not remove adaptations when they are no longer required. Neither are any reinstatement works carried out. If an applicant changes their mind about an adaptation once the OT assessment has been carried out and the works have been completed, unless there has been a significant change in the applicant's medical condition the Council will not remove or carry out further adaptation works.

3.5 Appendix D Well Homes Grant (Discretionary)

3.5.1 Purpose: Providing discretionary help to low-income households for urgent home repair works necessary to reduce or eliminate serious risks to health and safety. With particular regard to reducing the hazards Excess Cold and Falls.

3.5.2 Eligibility for Well Homes Grant (Discretionary)

- The grant is available to owner- occupiers including mobile homes situated on sites licensed by the council for permanent residential use.
- A grant will not be given if any previous assistance has been given and the conditions remain in force.
- The owner occupier must prove they have lived in their current dwelling for a minimum of 2 years prior to date of application and be in receipt of income related benefits.

At enquiry stage the Council will undertake standard preliminary checks including with Land Registry and any relevant Council departments as necessary.

An application form will only be provided upon the decision of the Council to offer any financial assistance.

A visit to the property may be undertaken by a Council Officer.

The Council reserves the right to refuse grant aid where the works are not necessary, appropriate, reasonable, practicable, and excessively expensive or the property is not in an overall good state of repair.

Any Discretionary Housing Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

3.5.3 Qualifying Works

3.5.3.1 The grant is available for essential repairs to the structure of the dwelling; these include but are not limited to:

- Repairs to roof, gutters and drainage
- Electrical repairs

- Repair/replacement of windows, doors, ceilings and floors
- Repair/replacement of heating system
- Provision of energy efficiency measures
- Works to maintain the structural stability of the dwelling
- Falls prevention

3.5.4 Typically non qualifying works

- Costs of materials for DIY projects
- Making good poor workmanship
- Repairs/improvements to porches, conservatories or garages except where the defect has a serious and direct impact on the health and safety of the occupant(s)
- Works that are eligible for grant funding under any Government scheme or programme
- Works to the dwelling where, having regard to its age and condition and to any other relevant information, the awarding of a grant is not considered appropriate
- Works subject to an insurance claim

3.5.5 Means Test

3.5.5.1 The grant is not subject to a full financial means test however the owner occupier must be in receipt of one of the following income related benefits in order to be eligible:

- Housing Benefit
- Income Support
- Guaranteed pension credit
- Income based Job seekers allowance
- Income related Employment and Support Allowance
- Working tax/Child Tax credits where income for tax credits is below £15,050 per Annum
- Universal Credit

Proof will be required.

If any discretion to the above or maximum grant is applied; a means test evidencing proof of earnings or savings may be requested:

3.5.6 Grant Conditions

3.5.6.1 All applications shall be made through Rochford District Council. The Council will not consider an application for Discretionary Housing Assistance in respect of premises built or converted less than 10 years prior to the date of the application.

3.5.6.2 No further applications can be made upon completion for a period of 3 years.

3.5.6.3 The grant will only be paid if the eligible works are satisfactorily completed and the grant claimed within 3 months from the date of the grant approval. This period may be extended with the authorisation of the council.

3.5.6.4 Payment of the grant can only be made upon receipt of invoices, electrical certificates, FENSA certificates or any other certificate as may be appropriate.

3.5.6.5 The grant will not normally be paid if the approved works are started but the dwelling ceases to be the applicant's only or main residence. The Council can allow the works to continue to completion and has discretion as to pay the whole grant or pay part of the grant relating to any works completed at the time of disposal of the property. In either case the Council can demand repayment of any amount of grant paid.

3.5.6.6 A register of charge will be placed against the property for a period of 2-10 years (dependent on the level of assistance agreed) upon completion of works. Completion of works is decided upon the satisfaction of the Council.

Land charge applicable grant awarded: £1,000-£5,000= 2 Years. £5,000 and above 10 years

3.5.6.7 Payment will normally be made direct to the contractor undertaking the works.

3.5.7 Grant Repayment Requirements

- **Breach of Grant conditions:** If the applicant sells or transfers the property within the grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.

3.6 Appendix E - Empty Property Grant (Discretionary)

3.6.1 Purpose: Empty Property grants are provided on a discretionary basis to help bring empty properties back into residential use.

3.6.2 Eligibility for the Well Homes Empty Property Grant

The grant is available to owners of properties that have been long term empty i.e. longer than 12 months.

The Council reserves the right to refuse grant aid where the works are not necessary, appropriate, reasonable, practicable, and excessively expensive or the property is not in an overall good state of repair.

Any Discretionary Housing Assistance will only be considered having regard to the amount of resources the Council has available at that time. If the Council does not have sufficient funds left to deal with an application for assistance at that time, the Council reserves the right not to approve any Discretionary Housing Assistance.

3.6.3 Qualifying Works

The grant is available for major repairs to the structure of the dwelling and any amenities within. These include, but are not limited to:

- Repairs to the roof, gutters and drainage
- Electrical rewiring
- Repair/replacement of windows, doors, ceilings and floors
- Repair/replacement of a heating system
- Provision of energy efficiency measures
- Works to maintain the structural stability of a dwelling
- Improvements to a dwelling to provide any missing amenities such as a suitably located WC, a wash hand basin, kitchen sink, bath or shower and hot and cold water supplies.

3.6.4 Typically non qualifying works

- Costs of materials for DIY projects
- Making good poor workmanship
- Repairs/improvements to porches, conservatories or garages except where the defect has a serious and direct impact on the health and safety of the occupant(s)
- Works that are eligible for grant funding under any Government scheme or programme
- Works to the dwelling where, having regard to its age and condition and to any other relevant information, the awarding of a grant is not considered appropriate
- Works subject to an insurance claim

3.6.5 Means Test The grant is not subject to any financial means test

3.6.6 Grant Conditions

3.6.6.1 All applications shall be made to Rochford District Council.

3.6.6.2 All applicants who are awarded a grant, will be required to provide tenancy nomination rights to the council for a period of 2 years following completion of all works necessary to rectify any Category 1 and high Category 2 Hazards. A property which fails to rectify such identified hazards and therefore cannot be occupied as a result; will not be eligible for grant assistance of £5000.00.

3.6.6.3 Rent levels will normally be restricted to an amount that can be met by the Housing Benefit Local Housing allowance rate.

3.6.6.4 The grant will only be paid if the eligible works are satisfactorily completed, and the grant claimed within 6 months from the date of the grant approval. This period may be extended with the authorisation of the council.

3.6.6.5 Payment of the grant can only be made upon receipt of invoices, electrical certificates, FENSA certificates or any other certificate(s) as may be appropriate.

3.6.6.6 A register of charge will be placed against the property for a period of 2 years upon completion of works. Completion of works is determined by the Council.

3.6.6.7 Payment will normally be made directly to the contractor undertaking the works

3.6.7 Grant Repayment Requirements

- **Breach of Grant conditions:** If the applicant sells or transfers the property within the grant condition period, they will normally be required to repay the full grant to the Council upon the sale or transfer.
- In the case of a fraudulent application (e.g. when the applicant is not entitled to the grant for whatever reason), immediate repayment of the full grant plus compound interest will be required by the Council.

4.0 Other Sources of Advice

4.1 **The Housing Options Team** provides advice on housing rights, needs and options, welfare benefits, tenancy rights and also operates the Housing Register. For initial enquiries, please contact the Customer Service Centre on telephone number 01702 318111

4.2 **The Planning Team** provides advice on which works may require planning permission and what work requires listed building consent. For initial enquiries, please contact the Customer Service Centre on telephone number 01702 318111

4.3 **The Building Control Team** provides advice about which works may require Building Regulation Approval or the submission of a Building Notice. For initial enquiries, please contact the Customer Service Centre on telephone number 01702 318111

5.0 Meaning of a Category 1 and Category 2 hazard

5.1 Once the hazard has been scored and given a hazard band, the hazard is then classed as either a Category 1 or Category 2 hazard. The reason that this is important is because all local authorities have a duty to take the appropriate enforcement action to eliminate or reduce Category 1 hazards. They have discretionary powers to take the appropriate enforcement action to eliminate or reduce Category 2 hazards.

For the purpose of this financial assistance policy:

- a Category 1 hazard is one that has a hazard band of A, B or C and therefore a hazard score in excess of 1000
- a high Category 2 hazard is one that has a hazard band of D, E and F and therefore a hazard score between 100 and 999
- a low Category 2 hazard is one that has a hazard band of G, H, I or J and therefore a hazard score between 1 and 99.

For all information with regard processes and all applications please contact the Private Sector Housing Service on 01702 318111 privatesectorhousing@rochford.gov.uk or visit our website at www.rochford.gov.uk

6.0 How to make a complaint

Rochford District Council aims to deliver a first-class service to all its customers. We see all feedback, whether good or bad, as a valuable way for us to learn and improve. Therefore, we welcome all comments, compliments and complaints.

- Fill in the online form

<https://www.rochford.gov.uk/comments-compliments-and-complaints-online-form>

- Email: Customer.Comments@rochford.gov.uk
- Telephone: 01702 318001
- Write a letter to us at: Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW.

When we receive a complaint

We aim to respond to all complaints within 5 working days of receipt. However, sometimes complaints need more detailed investigation, and this may mean we need a little more time before we respond. If there is likely to be any delay in dealing with your complaint, we will always let you know.

If you remain dissatisfied

The Council recognises that you may remain dissatisfied after we have dealt with your complaint. You can therefore ask for a further review to be undertaken. A Director who has not previously been involved with your complaint or what you are complaining about will then carry out the review. When the review is complete, they will advise you of the outcome.

Where to go next

If we have been unable to resolve your complaint to your satisfaction, you may be entitled to pursue your complaint with the Local Government Ombudsman. The Ombudsman is an independent person who investigates complaints against local Councils. You can visit the Local Government Ombudsman website, alternatively, you can find copies of a leaflet at the reception desk at the Council Offices, South Street Rochford, or at the Information Centre in the Civic Suite, Hockley Road, Rayleigh.

7.0 Essex County Council Letter of interpretation Better Care Fund (BCF)



Essex County Council
County Hall Chelmsford
Essex
CM1 1QH
20/12/2018

Dear DFG Essex Group member

This Letter of interpretation is for Essex District, Borough and City Councils Better Care Fund (BCF) usage.

As there have been differing interpretations over the use of BCF funds for purposes other than the mandatory DFG grants as set down in the Housing Grants, Construction and Regeneration (HGCR) Act 1996 and subsequent guidance documents, a new set of guidance for Essex authorities to jointly work to should be established. This has been discussed at a recent Essex-wide DFG meeting and suggestions were received by ECC to formulate the following recommendations.

Local District, Borough and City councils hold the power to decide how to interpret policy governing the use of DFG & BCF funding and should ensure all works are in line with the mandatory DFG framework and/or any local discretionary policies agreed under the Regulatory Reform Order (RRO) 2002, to ensure the maximum use of adaptations and fully using the grants awarded each year for the benefit of residents.

It should be noted principles around the treatment of underspends are currently under discussion and will be confirmed at a later date.

To assist this to happen Essex County Council has developed this document to assist LAs to fully utilise the grants by setting out some guidelines to form an Essex wide approach, ensuring all Essex residents have fair access to the appropriate grants.

Any caution regarding the application of this guidance should be addressed at a local level alongside any policy changes required by each LA.

Although how the DFG can be used is set down in the HGCRA, the approval of each specific applicants DFG is subject to an assessment by 'the social services authority' that the work is 'necessary and appropriate' and by the housing authority to ensure that the proposed work is both 'reasonable and practical'. This can give rise to differing interpretations about when a disabled person may be eligible for a DFG.

Alongside the mandatory DFG framework an increasing number of local authorities are using their discretion under the Regulatory Reform Order (RRO) to develop discretionary uses of the BCF DFG funding to complement the mandatory grant. Further details are available on the website of Foundations, the national body for Home Improvement Agencies and Handyman Services - <https://www-foundations.uk.com/dfg-adaptations/dfg-regulations/the-regulatory-reform-order/>

As we use DFG funds more flexibly in line with this guidance it will be important to understand the outcomes and benefits achieved for both individuals and the wider system. We will continue to work with LAs around how we better understand these through approaches such as the outcomes framework, quarterly financial monitoring and annual reporting mechanisms we are already working together to develop and implement.

Elements to be found in discretionary private sector housing policies may include:

- a) **Providing discretionary finance to enable work to be completed.** This could include:
- Removing means testing on recommendations such as access e.g.: Stair lifts and ramps, particularly to avoid delays with hospital discharge. This does have a risk that on some occasions the award is going to a person who has the means to undertake this work themselves however the benefits to people are likely to outweigh the risks.
 - Awards over the £30k threshold - as discretionary top-ups do not breach any national conditions on upper limits of adaptation spend (LAs are advised to set an upper limit to this). However, all other options should be exhausted, and the reasons for this expenditure will need to be justified. Also if not registered as a loan an agreement for paying back part of the grant would be expected. This is for use only in exceptional circumstances and must demonstrate positive outcomes for the client.

It is acceptable to place a charge on a property where discretionary grant funding has been awarded under the RRO as long as the LA has an agreed and published policy to do this.

Issues to consider include:

- Privately owned dwelling: you may insist that the grant or loan is paid back in part or in full when the house is sold or transferred due to recipient moving house or dying. This may be timescale dependent.
- You may include a sliding scale of payback based on the length of time that has passed since the grant was paid
- You may insist that if a person moves into a care/residential setting you can reclaim or reuse the adaptation.

b) **Removing HHSRS Category 1 hazards** (although it may be more appropriate to consider the use of the enforcement process) Issues which could be dealt with could include excess cold, domestic hygiene (including hoarding), food safety, and disrepair. Consideration of the use of discretionary grants or loans to deal with excess cold/affordable warmth issues should also be considered in the light of any other sources of energy related funding.

c) **Moving to alternative accommodation** - either on a temporary basis whilst major work is carried out or to facilitate a move to permanent alternative accommodation where this may be in the best long-term interests of the disabled person.

- d) **Assisting the timely discharge of patients from hospital/hospice** - helping to avoid unnecessary residential placements.
- e) **Handyperson services for preventative work** - including fitting of key safes and grab rails, bed moving and reconfiguration of furniture in home to limit falls.
- f) **Administrative, technical or OT services over and above those provided for the mandatory DFG provision** - to enable the non-mandatory grants and loans for the above reasons as well as to assist with Social Housing offers.

LAs will need to review their policies covering *safe and warm* homes and/or environmental health policy to ensure that these items are covered by these policies.

NB Adaptations in Council housing stock for Social tenants are the responsibility of the landlord and should not be funded from the direct DFG budget.

Other related support

Essex County Council's Therapists/ Social Care Services are responsible for: Community Equipment Services (CES): These services are contracted by Partner Organisations to provide community equipment on loan to adults and children following assessment by health and/or social care practitioners within a Section 75 Agreement. Equipment is provided to assist people to perform essential activities of daily living and to maintain their health, independence and wellbeing in the community.

Taken from ECC Guidance for Provision of Community Equipment in Care Homes across Essex 2.3 page 2

[https://www.essex.gov.uk/Documents/Guidance for Provision of Equipment in Care Homes.pdf](https://www.essex.gov.uk/Documents/Guidance%20for%20Provision%20of%20Equipment%20in%20Care%20Homes.pdf)

If the service provider of any of the services listed above changes, the principles of the guidance will stand.

I hope colleagues will find this information useful in developing local policies and in making sure DFG funds go towards improving outcomes for residents in Essex.



Lisa Wilson Head of Strategic Commissioning and Policy – Adult Social Care (PSI and Personalisation) Essex County Council

Please note this document/paper is for guidance purposes only and whilst the information provided has been done so in the utmost good faith and based on information currently available each Authority/reader must have regard and adopt their own policies and governance first and in the event of a conflict those internal policies prevail. Essex County Council assumes no responsibility for errors or omissions in the contents of this guidance and in no event shall Essex County Council be liable for any breach by an Authority of its own internal policies and obligations in adopting or following the guidance nor is ECC liable for any damages whatsoever, whether in an action of contract, negligence or tort arising out of or in connection with the contents of the guidance