

Housing Renewal Policy 2005

Statement of Purpose

The aim of this policy is to enable and promote the availability of housing which provides safe, secure and healthy homes for the people of West Wiltshire.

How this Policy contributes to the overall aims of the District Council and the Local Strategic Partnership

This Policy sets out details of the assistance which the Council will make available for the repair, improvement, conversion and adaptation of housing within its district.

This Policy is made in accordance with the provisions of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 (The 'RRO'), and takes account of the guidance in ODPM Circular 5/2003.

The Council has adopted a Corporate Plan which sets out the following six spotlight areas:

- Improving Development Control
- Recycling more waste
- Meeting housing need
- Better access to recreation
- Improving our market towns
- Putting customers first

The Corporate Plan identifies a series of guiding principles which will help us to achieve our objectives:

- Sound financial management
- Valued and well-supported staff
- A focus on priorities
- A well planned approach
- Strong community leadership
- Accessible decision making
- Efficient and effective services
- High quality communication with the public

This policy contributes to meeting housing need, and by targeting assistance to households considered to be 'vulnerable' we aim to ensure that we meet or surpass the national targets for decent homes.

By improving housing conditions, we also support the improvement of communities in the five market towns, encouraging opportunities for people to live and work in the same locality. Provisions in this policy clearly set out what our customers can expect, provide for ease of access, help and advice, and thus help us to meet the objectives of putting customers first.

The Local Strategic Partnership has adopted a Community Strategy for West Wiltshire, following extensive public consultation in March 2004. In both face-to-face forums and write-in questionnaires, issues related to affordability and quality of housing and the built environment were high on the list of priorities. The Community Strategy recognises that a lack of suitable accommodation is a significant barrier to individuals, leading to social, health and economic problems, and makes it a priority to maximise the use of the existing housing stock.

The improvement of the existing stock, prevention of properties from falling into disrepair, and promotion of the use of empty homes will increase the quality and quantity of private sector housing in the district, and reduce the pressure to develop new housing on greenfield sites.

How this policy contributes to the aims of the housing strategy and other relevant corporate strategies

Housing strategy

Our Housing Strategy 2005 – 2009 highlights our priorities for the private sector:

- *Bringing long-term vacant houses back into use*

We are reviewing our Empty Homes Policy concurrently with this document. This Housing Renewal Policy takes account of the aims and targets set out in the Empty Homes Policy, and details the assistance which is available to bring empty homes back into use.

- *Identifying the nature and scale of problems in Houses in Multiple Occupation (HMOs)*

The Housing Act 2004 will introduce a requirement for certain types of HMO to be licensed. We have produced a draft policy document which sets out how we will deal with applications for licensing, and how we will regulate standards in all HMOs.

- *Increasing the quantity and quality of the private rented sector*

We recognise that good quality privately rented housing plays an important role in the provision of affordable housing, and we wish to encourage the growth of the rental sector. We have established a landlords' forum and will work with landlords to introduce an accreditation scheme, which will provide accredited landlords with access to additional financial and practical benefits.

In the absence of an accreditation scheme, the provision of grants for landlords will assist only those landlords who have failed to adequately maintain their properties. We consider that rental levels and the capital increase in the value of property should enable landlords to maintain the quality of private rented accommodation without entailing financial input from public funds. We will ensure that rented properties meet the basic statutory requirements through advice, education and our regulatory functions.

- *Improving the quality of housing occupied by vulnerable and low-income households to meet the decent homes standard*

The achievement of decent homes targets in all private sector tenures is a high priority in our Housing Strategy, which reflects a similar priority in the South West Regional Housing Strategy. This policy introduces grants with the specific aim of meeting and surpassing the national targets for decent homes in the private sector.

- *Assisting elderly householders to repair and improve their homes, and to access accommodation suitable for their needs.*

and

- *Working in partnership to deliver adaptations to enable disabled households to live comfortably at home.*

The Housing Grants, Construction and Regeneration Act 1996 imposes a duty on local authorities to provide mandatory grants for the adaptation of housing occupied by people with disabilities. Census data for the district demonstrates that we have an ageing population, with increasing need for aids and adaptations to help them remain within their own homes, or for assistance to move into more appropriate housing. In addition to mandatory Disabled Facilities Grant, our policy sets out other forms of assistance to help people to live comfortably in their later years when their income is likely to be substantially reduced. Some of this assistance will be provided by partner organisations in the public and private sectors

The statutory test of resources for families with disabled children is widely considered to be unfair, and we believe that such circumstances should be a priority for discretionary assistance.

Tenants of Housing Associations are also eligible for mandatory Disabled Facilities Grants. More than half of our budget for such grants goes to help these tenants, and we have introduced joint programmes with West Wiltshire Housing Society to ensure that we achieve best value from this resource, by co-ordinating adaptations with their decent homes and refurbishment programmes. The Housing Society contributes to the costs of adaptations carried out under this scheme.

We work closely with Supporting People, the Primary Care Trust, the County Council and other Wiltshire Districts to join up our services and provide

consistency of service across the County whilst remaining responsive to local needs and priorities. The principal example of this is the Home Improvement Agency, which is jointly funded by all partners and delivers advice and practical measures to elderly, disabled and low-income households throughout the District.

Contaminated Land

This policy also deals with assistance to private householders who are liable to meet the cost of remediation of contaminated land as designated by the Environmental Protection Act 1990.

The key priorities addressed by this policy and the reasons for selecting them

Grants for households with disabilities

Mandatory Disabled Facilities Grants

We have a statutory duty to provide mandatory Disabled Facilities Grant. Addressing the needs of households who require adaptations to enable them to live comfortably in their own homes is a major concern which this policy addresses. Providing financial assistance to such households can help prevent inappropriate admissions to hospital, reduce the requirement for expensive residential care, and speed discharge from hospital. It makes sense in financial as well as human terms.

According to the 2001 census, 23% of the people of the district said that they had a limiting long term illness or that their health was not good. Our own house condition survey In 2003 found that people had the greatest problems with using the stairs, bathing, and using the WC, and this reflects the principal types of adaptation for which DFG assistance is sought. This is supported by the results of the Housing Needs Survey update completed in 2004. The next full Housing Needs Survey is currently being commissioned, and will include indicators specifically to help us gauge the future demand for housing adaptations.

Adaptations for families with disabled children

We receive a small but increasing number of applications for adaptations for children and young people with disabilities. Such adaptations are usually more complex and expensive than those for adults, as they need to take account of the changing needs as children grow. Families with disabled children suffer particular hardship; their earning potential is restricted because of the need for extra care for their child, and the statutory means test takes no account of housing costs (mortgage or rent) which are often higher because of the requirements for additional space. The process of carrying out a means test can also be very time consuming, leading to delays in commissioning or undertaking the necessary works. Where a family cannot meet their assessed contribution to the cost, further delay is entailed whilst charitable funding is sought.

We shall provide discretionary DFG to families with disabled children, equivalent to the amount of their contribution as assessed by the statutory means test. By removing the uncertainty around the availability of funding and the need to obtain charitable donations, this will enable appropriate adaptations to be provided more quickly and with less anxiety for this particularly vulnerable group.

Discretionary assistance for other adaptations and for relocation

In order to provide a responsive service to other disabled households with urgent needs where unacceptable delay would be entailed by undertaking the full mandatory grant procedure, we will make discretionary grants available.

We shall also provide financial assistance to disabled households to assist with the costs of moving home when this is a more appropriate option than carrying out expensive or complex adaptations, or where adaptation is impractical.

Assistance to meet the decent homes standard

Our next priority is to ensure that we maximise the opportunity for vulnerable households to live in a decent home. Information from our house condition survey and from the ODPM's 'Ready Reckoner' both indicate that approximately 68% of such households already live in a decent home. This means that approximately 1,750 households in the private sector are living in housing which does not meet the standard. The government's target is to increase the proportion to 70% of vulnerable households in the private sector by 2010 and to 75% by 2020. We aim to achieve and surpass that target.

We will provide grants to owner occupiers who meet the government's definition of 'vulnerable' in order to make their homes decent. Where there are alternative ways of complying with the decent homes standard, the grant will be provided for the cheapest solution.

Where a landlord owns a dwelling which does not meet the decent homes standard, we will usually seek to encourage him to upgrade the property by advice and information, backed up by use of our regulatory powers if necessary and appropriate.

Our House Condition Survey tells us that the most common reason for failure of the decent homes standard in rented accommodation is poor insulation coupled with expensive and inefficient heating systems or appliances. The government has recently made more resources available to improve the energy efficiency of such houses through the WarmFront 2 grant scheme.

We work in partnership with the Wiltshire Energy Efficiency Advice Centre (EEAC) who signpost owners, tenants and landlords to appropriate forms of advice and practical assistance to meet this aspect of the decent homes standard. We provide funding of £5,500 each year to the EEAC to undertake this work on our behalf, and we shall continue to provide an appropriate level of funding in line with the annual Service Level Agreement.

Assistance with the cost of repairs

The timely repair and maintenance of houses can save money by preventing major problems from arising. Where households could afford the cost of borrowing relatively small amounts to pay for such work, it is difficult to obtain a secured loan for less than £20,000, and even when such loans are available, they are either at relatively high rates of interest or have high arrangement fees to cover the set-up costs. We shall work with commercial and not-for-profit partners to develop low-cost loans, and will provide grants to householders to meet the costs of arranging loans whose terms have been pre-approved by the Council. We will publish a list of approved loan schemes as they become available.

We will provide grants for owner occupiers who do not have sufficient equity in their homes or who could not afford to repay a loan (as assessed by a test of resources in the same manner as mandatory DFG), to bring their housing up to the national minimum standard.

Contaminated land

Councils are responsible for identifying contaminated land within their districts and for ensuring that such land is made fit. Guidance to councils under the Environmental Protection Act 1990 recommends that, in recovering the cost of works to contaminated land, councils should have regard to the ability of an owner of any affected dwelling to pay the costs. It further recommends the test of resources applied to Disabled Facilities Grants should be used for this purpose. We will therefore make grants and assistance with loans available to eligible householders as detailed in paragraphs 0 and 0 above.

Empty Homes

Council Tax data indicates that there are more than 400 houses (0.8% of the stock) in the district which have been empty for 6 months or more. At the same time, house prices are at an all-time high and there is increasing need to provide affordable housing, often on green-field sites.

We shall identify a list of long-term vacant houses which require priority intervention, and we shall provide grants or facilitate loans to help encourage their repair, improvement and return to use. We shall provide additional incentives to first-time buyers who are prepared to renovate houses from the vacant houses list.

As noted in our Empty Homes Policy, we shall work with developers and housing associations to bring empty homes back into use, by exercising our statutory powers (including compulsory purchase) where it appears prudent to do so.

Home Improvement Agency

Our Home Improvement Agency, West Wiltshire Care & Repair, provides a wide range of services to householders in the private sector, particularly those who are elderly or otherwise on restricted incomes. As well as providing a full service

to advise householders on the nature and extent of any repairs required, they will assist them to obtain funding through grants, loans and charitable bodies, and help them to select a competent and trustworthy contractor. They carry out energy efficiency checks, and advise on benefit entitlement. The Agency provides a small repairs service at a nominal cost, and this also complements the reactive and preventative work carried out by the Bobby Van in carrying out home security measures for vulnerable householders.

Advice and Education

Working with our partners, we shall produce information in a variety of formats to help householders to maintain their property, obtain finance, and employ a suitable contractor to carry out necessary works.

Regulation and Enforcement

The Housing Act 2004 introduces new standards for housing and new systems of enforcement. At the time of writing, these provisions have not yet been brought into force, nor has the government published any of the regulations or guidance which will be necessary to implement them.

However, we will retain a duty to take action where we are aware that housing conditions fall below the prescribed standards, and we shall continue to regulate housing standards as required by the law. We shall do this within the principles set out in the Council's Enforcement Policy which has been prepared in accordance with the government's Enforcement Concordat.

Exceptional Circumstances

Although the preceding classes set out the forms of assistance which the Council considers appropriate in order to meet its wider policy aims, the Regulatory Reform Order provides a general discretion to give assistance. The Council is legally bound not to fetter its discretion. There may exist circumstances where it would be reasonable for the Council to provide housing assistance, but which fall outside the terms contained in this policy.

In such cases, a full description of all relevant matters must be submitted in writing to the Housing Renewal Manager. Each case will be considered by the Housing Portfolio Holder, who has delegated powers to decide such matters, and the decision will be formally recorded in accordance with the Council's procedures.

Householders who need help in submitting their case can approach the Home Improvement Agency, who will provide the necessary assistance.

Decisions on exceptional circumstances will be made within three weeks of receipt by the Council, subject to the need for any further investigations to be carried out.

Resources for the housing renewal policy

Funding for direct assistance

The government provides subsidy of 60% of the cost of mandatory DFG up to a certain limit. In 2005/06, the limit is £195,000, supporting a total spend of £325,000. Our total budget for DFG is £575,000.

We have received notification that government subsidy will increase to £235,000 in 2006/07. However, the government is currently reviewing the operation of mandatory DFG, and there may be significant changes to the nature and/or scope of DFG in the future.

West Wiltshire Housing Society (WWHS) contributes £1,800 towards the cost of each bathroom adaptation identified in the course of its refurbishment programme. In 2004/05, this amounted to more than £70,000, and is expected to exceed £100,000 in 2005/06. WWHS aims to complete its major refurbishment plans by 2010. This will therefore reduce demand for DFG from the social sector.

A sum of £100,000 has been identified from the sale of Council assets to provide 'pump-priming' capital for empty homes assistance.

We have also allowed £100,000 per annum specifically for other forms of discretionary assistance to support our wider policy aims.

The Council's capital resources, the majority of which result from the transfer of the housing stock to WWHS, are dwindling. It is likely that they will only support expenditure on housing assistance at the current rate for a further two years. In order to meet long term financial goals, the majority of discretionary assistance will be subject to conditions requiring repayment of grants on the disposal of the relevant property during a period of 20 years following delivery of the assistance, rather than 5 years as is the current case. Houses change hands on average every 7 years, and there have been significant increases in the value of property in recent times. Such a condition will ensure that a significant proportion of the Council's expenditure will return over time, but we will waive or reduce the requirement for repayment where it appears that such a demand would cause undue hardship.

In the case of empty homes assistance, repayments will be directly recycled into schemes to support the further reduction in the number of long-term vacant houses. We shall also consider reducing the Council Tax discount applicable to long-term vacant houses, and how we might apply the increased revenue.

Contaminated Land Grants will be financed through the national Contaminated Land Capital Projects Programme.

Resources to deliver the service

Housing assistance to the private sector is mainly delivered through the Home Improvement Agency. The HIA receives funding from a number of partners: In 2005/06 the agency will receive £55,000 from Supporting People, £10,000 from the County Council, £5,000 from the Primary Care Trust, and £15,000 from the

District Council. The County Council and the District Council share the costs of employing a Community Occupational Therapist, whose time is divided equally between the HIA and the Housing Renewal Section, and the District Council provides a seconded member of staff to manage the local HIA and undertake casework.

In order to deliver this policy, the Housing Renewal Section has recruited additional members of staff. The Section now comprises:

- Housing Renewal Manager
- Principal Housing Renewal Officer
- 2 full-time and 4 part-time Housing Renewal Officers
- Seconded Housing Renewal Officer (Home Improvement Agency)
- Part-time Occupational Therapist
- Grants Administration Officer
- Part-time Administration Officer

Applying for Assistance

Disabled Facilities Grants

Owners and tenants who require an adaptation to their house to help them live more comfortably with a disability, or to help a carer to look after them, should contact the Community Care Information Point operated by Wiltshire County Council (telephone 01225 773508). Because all applications for DFG require the recommendation of an Occupational Therapist, this is the quickest route to obtain an assessment.

Contaminated Land Assistance

Owners requiring help with the cost of remediation of contaminated land will automatically be referred for assistance by the Council's Environmental Health Manager.

Other forms of assistance

Owner occupiers requiring any other form of help with repair and maintenance of their property should contact West Wiltshire Care & Repair on 01373 855290. The home improvement agency has been specifically set up to provide advice information and practical help with a range of issues related to housing to elderly, disabled and low-income households. Although the HIA does not directly provide financial advice, it can help enquirers to find certified independent financial advice relating to loans for housing related purposes.

Tenants who consider that repairs or improvements are required to their rented property should first write to their landlord and give them adequate opportunity to carry out any necessary works. If this is impractical, or the landlord fails to do what is required within a reasonable time, then the tenant should contact the Housing Renewal Section 01225 770368 and we will discretely investigate the complaint and take appropriate action in accordance with the Council's enforcement policy.

Electronic communication

We can receive enquiries via the internet or via email. Our web pages at www.westwiltshire.gov.uk provide access to our current Renewal Policy, online forms to contact us with enquiries about grant, and details of how to obtain assistance with the cost of energy efficiency measures. We can also receive enquiries via email to housing@westwiltshire.gov.uk.

Grant limits and conditions

Appendix 1 to this policy sets out the details of the types and amounts of assistance that are available under this policy. It also provides information about who can qualify for each form of assistance, and any conditions which must be observed following the provision of assistance.

Where conditions are applied for any period following payment of any grant or loan by the Council which may require some or all of the amount to be repaid, the Council will consider whether or not to waive any amount of repayment where it appears that undue hardship would be caused. Such cases will be considered under the provisions for exceptional circumstances detailed above.

Complaints about our service

Complaints about the quality of service provided by the Council under this policy will be dealt with in accordance with the Council's complaints procedures. Leaflets explaining the procedure are available from the Council on request, and a form is provided to register a complaint if it is needed. Details of our complaints procedure and an online form are also available on the Council's internet site

www.westwiltshire.gov.uk/communications/complaints/complaintproc.php

Monitoring and implementing the policy

Delivery of assistance under this policy is monitored in a number of ways:

Financial monitoring – Expenditure is continuously monitored against budgets and any exceptions are reported to Council so that steps can be taken to ensure that necessary adjustments are made. Monthly reconciliations are carried out to ensure that expenditure recorded within the housing assistance computer system accords with payments made through the finance system.

Performance monitoring – We have a range of local Performance Indicators which are reported to Council each quarter. We intend to revise our performance targets as part of the review of the Corporate Plan.

Benchmarking - We have undertaken a benchmarking exercise to compare our performance with fourteen other authorities identified by the National Audit Office, in order to identify and share in best practice within housing renewal. The exercise indicates that we provide a cost-effective service for most of our private sector housing functions, but that we have provided very little discretionary assistance to householders to help them repair and maintain their houses.

Policy monitoring – we will review the operation of this policy as we gain experience of implementation. In particular, we will make any minor amendments which appear to be necessary based on those cases which are referred for decision as ‘Exceptional Circumstances’.

We are working with Supporting People and Foundations to establish a new Service Level Agreement and performance indicators for the Home Improvement Agency, and we will set out target times for all stages of the process of applying for and providing housing assistance. We anticipate that these will be in place from 1st April 2006.

This policy will come into effect on 1st January 2006, and will be reviewed prior to 1st April 2007. It may be necessary to review this policy at an earlier date where:

- there are any material changes in legislation, government guidance, or corporate strategies;
- the Council develops new forms of assistance;
- financial constraints affect the Council’s ability to deliver assistance in accordance with this policy; or
- it becomes evident that any form of assistance is not proving effective in delivering the Council’s objectives.

Appendix 1

Mandatory Disabled Facilities Grant

Mandatory DFG is governed by the provisions of the Housing Grants Construction and Regeneration Act 1996 (as amended). We aim to meet the standards set out in “Delivering Housing Adaptations for Disabled People – A Good Practice Guide” – ODPM, DES and DoH November 2004, whilst recognising that there is significant scope for improvement.

Mandatory DFG is provided for adaptations to facilitate better access by a disabled person into and around the home and to essential facilities within it.

An applicant must be

- the owner or tenant of the dwelling requiring adaptation. (A landlord may apply on behalf of a tenant); or
- the owner of a qualifying houseboat or park home requiring adaptation.

Before deciding whether to award a mandatory DFG, the Council must consult with the Social Services authority. This generally means obtaining the recommendation of an Occupational Therapist (OT). The Occupational Therapist will work with the disabled person and their carers to draw up a Statement of Need which will be used to assess the priority of enquiry. The Council will deal with enquiries in order of priority.

The statutory limit for mandatory DFG is £25,000.

DFG is awarded subject to a statutory Test of Resources, which determines how much (if anything) an applicant should contribute to the cost of works.

The grant will therefore be 100% of the eligible cost to a maximum of £25,000 less any applicant's contribution.

There are no conditions which apply following payment of mandatory DFG.

Discretionary Disabled Facilities Assistance

Discretionary DFA may be paid in the following circumstances:

Children's DFG

Where the family of a disabled child is assessed under the statutory Test of Resources as having to make any contribution towards the cost of mandatory DFG, the Council will pay discretionary grant equivalent to that contribution to the maximum value of the lesser of the cost of the eligible works or £25,000.

For the purposes of this policy, 'child' means a person aged 17 years or less, who, on the date of application, could not have made an application for mandatory DFG in their own name.

The eligible works are those which are recommended by an Occupational Therapist and which appear to the Council to be reasonable and practicable.

Where the Council judges that it would be more practical and/or economical to move to available accommodation that is already adapted, or more readily adaptable, the Council has discretion to provide Relocation Grant instead. The Council will not exercise this discretion without first consulting with the disabled person, their carer(s) and advocate(s), and any other agency involved in their care.

Children's DFG has the highest priority of all discretionary DFA, and is not repayable.

Urgent Discretionary DFG

The Council will pay Urgent Discretionary DFG:

- where disabled adaptations are identified as urgent by the Occupational Therapist and unreasonable delay would be occasioned in undertaking the statutory test of resources; or
- works of adaptation or repair are required to facilitate the discharge from hospital of a disabled person.

The maximum value of grant under this provision is £5,000.

Urgent Discretionary DFG ranks second in priority of all Discretionary DFA, and is not repayable.

Discretionary Disabled Facilities Grant

The Council will consider payment of Discretionary DFG where

- (i) the cost of works eligible for Mandatory DFG exceeds the maximum statutory limit; or
- (ii) works are reasonably required to make the dwelling or building suitable for the accommodation, welfare or employment of the disabled occupant,

but which fall outside the scope of mandatory DFG. Such works may include (but are not limited to):

- works to provide more satisfactory internal living arrangements for a disabled occupant where the works are not of a mandatory nature and where they would be of direct benefit to the disabled occupant rather than other members of the household. Such works might include extending or enlarging a dwelling that is already suitable for the disabled occupant in all other respects;
- works to provide access to a garden adjacent to a property where the disabled person is unable to gain access from the dwelling through existing doors or pathways.
- the provision of a safe play area for a disabled child or where certain works of adaptation are required to provide for a disabled occupant to receive specialised care or medical treatment in their own home for which the disabled person is responsible for meeting the costs of works;
- to enable a disabled person to care safely for their child;
- adapting or providing a room to be used for a disabled person who is housebound but nevertheless is able to work from home.

The eligible works are those which are recommended by the Occupational Therapist, and which appear to the Council to be reasonable and practicable.

The maximum amount of grant is £15,000.

In the case of grants under (i) above, the discretionary grant will have the same priority as the mandatory grant which it complements, and will be subject to the same test of resources.

In the case of grants under (ii) above, the amount of grant will be reduced by an amount equivalent to an applicant's contribution assessed as though the grant is a mandatory DFG (including taking account of any previous contribution).

Discretionary DFG is not repayable.

Relocation Grant

The Council will consider the payment of Relocation Grant where:

- the householder is eligible for any other form of Disabled Assistance; and
- the householder is in receipt of a means-tested benefit; and
- relocation is acceptable to the disabled person and their carer(s) ; and
- the Council considers that
 - it is more cost-effective and/or practical to move into another property than carry out the necessary adaptation; or
 - the existing home is unsuitable for adaptation

The grant is made up of a number of elements, each of which has a maximum amount:

Legal fees for the purchase of the new home	£700
Stamp Duty Tax on the purchase of the new home	£1,500
Removal costs (including help with packing, change-over of services etc.)	£2,000
Booking, arrangement, survey and administration fees in connection with securing or transferring a mortgage.	£800
Payment of rent in lieu of notice	£500

There are no repayment conditions attached to this grant.

Note that a mandatory or discretionary DFG may still be paid in respect of the new home.

Decent Homes Grants for Owner Occupiers

The target group is owner-occupiers who meet the government's definition of 'vulnerable' as detailed in "A Decent Home – The definition and guidance for implementation" published by ODPM February 2004. Households in receipt of the following benefits currently fall within the scope of 'vulnerable':

- Housing Benefit,
- Council Tax Benefit,
- Income Support,
- Income-based Jobseeker's Allowance
- Attendance Allowance
- Disability Living Allowance
- Industrial Injuries Disablement Benefit
- War Disablement Pension
- Working Tax Credit which includes a disability element where the entitled person has a relevant annual income of less than £14,200
- Child Tax Credit where the entitled person has a relevant annual income of less than £14,200
- Guarantee Pension Credit

In order to meet the Decent Homes Standard, the dwelling must comply with the following:

(a) It meets the current statutory minimum standard for housing

Dwellings below this standard are those defined as unfit under section 604 of the *Housing Act 1985* (as amended by the *1989 Local Government and Housing Act*).

(This standard is due to be repealed by the Housing Act 2004, which introduces the Housing Health & Safety Rating System. It is anticipated that, in order to be considered as 'decent', a home will need to be free from Category 1 Hazards)

(b) It is in a reasonable state of repair

Dwellings which fail to meet this criterion are those where either:

- one or more of the key building components are old and, because of their condition, need replacing or major repair; or
- two or more of the other building components are old and, because of their condition, need replacing or major repair.

(c) It has reasonably modern facilities and services

Dwellings which fail to meet this criterion are those which lack three or more of the following:

- a reasonably modern kitchen (20 years old or less);
- a kitchen with adequate space and layout;
- a reasonably modern bathroom (30 years old or less);
- an appropriately located bathroom and WC;

- adequate insulation against external noise (where external noise is a problem);
- adequate size and layout of common areas for blocks of flats.

A home lacking two or less of the above is still classed as decent therefore it is not necessary to modernise kitchens and bathrooms if a home passes the remaining criteria.

(d) It provides a reasonable degree of thermal comfort

This criterion requires dwellings to have both effective insulation and efficient heating.

Although this scheme is aimed at achieving the Decent Homes Standard, in cases where a house does not meet the minimum national standard for housing and the owner-occupier cannot cope with all the work, the full standard will not be required. In these circumstances, work needed to improve the property to the minimum national standard will receive assistance. In all cases, assistance will also cover the necessary ancillary costs incurred in arranging the grant and carrying out the work.

Decent Homes Grant is subject to a test of resources to assess an applicant's contribution to the cost of the works. The test of resources is the same as that applied to mandatory DFG. For most households in receipt of a means tested benefit, this will mean that they will not have to make any contribution.

The grant will be 100% of the eligible expense to a maximum of £10,000, reduced by any contribution assessed by the test of resources.

A grant made under this provision will be subject to a condition requiring repayment of the whole of the grant on the transfer of ownership of the property, or where the applicant ceases to occupy the property as their main or only residence, throughout a period of twenty years from the date that the grant is certified. This condition is registered with the Land Registry as a charge on the property subsidiary to any first charge (i.e. repayment of an outstanding mortgage takes precedence over repayment of grant).

Discretionary Repair Assistance

Owner-occupiers who do not meet the criteria for Decent Homes Assistance but whose homes are below the minimum national standard are eligible for consideration for Discretionary Repair Assistance, subject to their property being in Council Tax Band A, B, or C.

The eligible work is that required to ensure that the property complies with the minimum national standard.

It is also available for householders who are responsible for meeting the costs of remediation of Contaminated Land as defined by Part 1 of the Environmental Protection Act 1990. The eligible works include removal of contaminated ground and replacement with clean materials, prevention of entry to the house of ground gas and similar measures certified as necessary by the Council's Environmental Services Manager.

Loan Arrangement Assistance

The Council will pay a maximum of £750 towards the administrative costs (Independent financial advice, agency fee, booking fee, arrangement fee, legal fees and survey costs) of arranging an equity release loan through an approved scheme to meet the eligible costs of carrying out repairs to bring the property up to the minimum national standard, or the eligible costs of remediation as certified by the Council's Environmental Health Manager in the case of Contaminated Land Grants.

The Council will publish a list of approved schemes for the purpose of this grant. The schemes which are currently deemed to be approved are those which are certified to meet the standards of the Safe Home Incomes Plan (S.H.I.P), and schemes managed by the Home Improvement Trust.

The grant may be paid before the release of funds in order to ensure that adequate funding is in place at the time when the expense of the works is incurred. It is a condition of grant that the eligible work is completed to the Council's satisfaction, failing which the grant is repayable in full on demand.

Where an applicant is ineligible for a loan approved under Loan Arrangement Assistance, or the amount of loan which can be obtained under such a scheme is insufficient to meet the costs of the eligible works, the Council will pay Discretionary Repair Grant or Contaminated Land Grant as appropriate

Discretionary Repair Grant

The maximum value of the grant is the lesser of £10,000 or the cost of the eligible works, in either case reduced by the amount of any loan available under the terms of Loan Arrangement Assistance. Before approving Discretionary Repair Grant, the Council will generally require that an applicant first applies to an appropriate approved loan scheme where it appears reasonable to do so.

A grant made under this provision will be subject to a condition requiring repayment of the whole of the grant on the transfer of ownership of the property,

or where the applicant ceases to occupy the property as their main or only residence, throughout a period of twenty years from the date that the grant is certified. This condition is registered with the Land Registry as a charge on the property subsidiary to any first charge (i.e. repayment of an outstanding mortgage takes precedence over repayment of grant).

Contaminated Land Grant

The maximum value of the grant is the cost of the eligible works, reduced by the amount of any loan available under the terms of Loan Arrangement Assistance. Where the applicant is ineligible for a loan approved under the terms of Loan Arrangement Assistance (e.g. because they do not meet age qualifications or because of insufficient equity), the grant will be reduced by an amount equivalent to an applicant's contribution assessed as though the grant is a mandatory DFG.

A grant made under this provision will be subject to a condition requiring repayment of the whole of the grant on the transfer of ownership of the property, or where the applicant ceases to occupy the property as their main or only residence, throughout a period of twenty years from the date that the grant is certified. This condition is registered with the Land Registry as a charge on the property subsidiary to any first charge (i.e. repayment of an outstanding mortgage takes precedence over repayment of grant).

Empty Homes Grant

The Council will pay grant towards the cost of bringing empty homes back into use. The maximum value of grant is £10,000 or 50% of the cost of eligible works, whichever is the least. The Council will draw up a list of up to 25 eligible properties (the 'Vacant Property List') for which such grants may be available. The Vacant property List will be reviewed by the Housing Portfolio Holder and the Housing Renewal Manager at least every three months.

The grant is open equally to applicants who intend to be owner occupiers or who intend to let the property.

The eligible works are those works which are necessary to ensure that the property complies with the decent homes standard.

A grant made under this provision will be subject to a condition requiring repayment of the whole of the grant (but see below) on the transfer of ownership of the property, throughout a period of twenty years from the date that the grant is certified. This condition is registered with the Land Registry as a charge on the property subsidiary to any first charge (i.e. repayment of an outstanding mortgage takes precedence over repayment of grant).

First Time Buyer Grant

First Time Buyer Grant is open to applicants who have not owned a property of their own at any time prior to application. Where the applicant is a couple, then at least one of them must meet this condition.

In addition to an Empty Homes Grant (as detailed above), the Council will pay a grant to the lesser of £2,000 or the value of the Stamp Duty Tax for the purchase of the property. All the conditions which apply to Empty Homes Grants apply to First Time Buyer Grant.

Exceptional Circumstances

Where a potential applicant for grant fails to meet the appropriate criteria, they (or their agent) may submit a written explanation of the circumstances which they would wish the Council to take into account in determining whether to make a grant of any amount. In particular, the submission should state how the making of any grant will contribute to the objectives of the Council's Housing Strategy.

Any submission made under this provision will be considered by the Councillor holding the Housing Portfolio together with the Housing Services Manager and will be recorded and communicated in accordance with the relevant procedures under the Council's constitution. Any offer of assistance under this provision may be subject to conditions which may require the repayment any amount up to the value of the assistance.

General Terms and Conditions of Assistance

PURPOSE OF HOUSING ASSISTANCE

Housing assistance may be offered by West Wiltshire District Council ("the Council") in accordance with this policy towards the cost of:-

- (i) the improvement, repair or adaptation of existing living accommodation including mobile homes and houseboats.
- (ii) the acquisition of alternative living accommodation where the existing home is unsuitable for improvement, repair or adaptation.
- (iii) setting-up fees for those people who take out loans for any of the above purposes through partner organisations, subject to the policy in place at that time.
- (iv) initiatives which support the ambitions of the West Wiltshire Community Plan and subject to the policy in place at that time.

The assistance may be in any form including but not restricted to advice and financial assistance.

The Council may specify in detail in their Housing Renewal Policy the purposes for which applications for assistance are to be invited and may specify different purposes from time to time to reflect current priorities and budgetary constraints.

The Council will not normally offer assistance where the work involved could have been covered by insurance.

PERSONS ELIGIBLE TO APPLY FOR HOUSING ASSISTANCE

Any person who makes an application for assistance must :-

- (i) be over 18 years of age at application, and
- (ii) live in the dwelling as his only or main residence, or be an occupier of a qualifying houseboat or park home, and
- (iii) have an owner's interest in the dwelling, or be tenant or licensee of the dwelling, alone or jointly with others, and
- (iv) have an actual or moral obligation to carry out the works in question and have the owner's consent in writing to do so if necessary, and
- (v) satisfy such test(s) of financial resources as the Council may impose from time to time, more specifically explained in the Housing Renewal Policy, and
- (vi) not be ineligible by virtue of the Housing Grants, Construction and Regeneration Act 1996 or regulations made under that Act.

APPLICATIONS FOR ASSISTANCE

An application for assistance shall be in a form determined by the Council and shall include: -

- (i) full particulars including, where relevant, plans and specifications of the works for which the assistance is sought ("the assisted works");
- (ii) building control and/or conservation and/or planning approvals

- (iii) at least two estimates from different contractors of the cost of carrying out the assisted works, unless the Council otherwise directs in any particular case;
- (iv) particulars of any professional fees and other charges which relate to the preparation for and the carrying out of the assisted works;
- (v) proof that the applicant is an owner or a tenant of the dwelling;
- (vi) consent in writing from all owners of the dwelling to the carrying-out of the assisted works, (except where the Council deems it inappropriate to require such consent, e.g. estranged or untraceable owners);
- (vii) if the applicant is the owner of the dwelling(s), an undertaking to repay the assistance in the circumstances described below;
- (viii) if the applicant is a landlord, an undertaking to let the dwelling in accordance with the Policy in place at that time and an undertaking to repay the assistance in the circumstances described in paragraphs below;
- (ix) if the applicant has a contribution to pay towards the cost of assisted works written evidence will be required to confirm that the applicant can provide the necessary resources to pay their contribution

The contractors must be of similar size and must not be either the applicant or a relative of the applicant

QUALIFYING FACTORS

The Council may specify in their Housing Renewal Policy a period of time during which the applicant must have lived in the dwelling as his only or main residence prior to the date of application for assistance and may specify different periods for different purposes.

The Council will not consider an application for assistance in respect of premises constructed or converted less than 10 years from the date of application, except in the case of applications for adaptations and applications to improve energy efficiency and fire precautions.

AMOUNT OF ASSISTANCE

The amount of assistance is specified in the Policy and varies depending on the type of the assistance.

EXCLUSION FOR WORKS ALREADY CARRIED OUT

The Council will not approve an application for assistance if the assisted works have been carried out before the application is approved, except

- (i) Where the relevant works have been begun but have not been completed, the application may be approved if the Council is satisfied that there were good reasons for beginning the works before the application was made.
- (ii) Where the Council decide to approve an application in accordance with this paragraph they may, with the consent of the applicant, treat the application as varied so that the assisted works do not include any that are completed.
- (iii) Where statutory notices have been served by the Council for relevant grant aided or assisted works.

DECISION AND NOTIFICATION

The Council will notify an applicant and/or their agents for assistance whether the application is approved or refused. The notification will be in writing as soon as reasonably practicable, and, in any event, not later than six months after the date on which the complete application has been received.

If the application is approved the notification will also specify the works which are eligible for assistance, the value of the assistance and the form that the assistance will take.

If the application is refused, the Council will at the same time explain the reasons for the refusal and the procedure for appealing against the decision.

If the Council is satisfied that owing to circumstances beyond the control of the applicant the cost of the assisted works has increased or decreased, they may redetermine the amount of the assistance and notify the applicant accordingly.

APPEALS AGAINST DECISIONS

Any Applicant wishing to appeal against a decision on the provision of financial assistance (except submissions requesting consideration of Exceptional Circumstances) may appeal in the first instance, in writing, to the Housing Services Manager.

SUPERVISION OF WORKS

The responsibility for supervision of works rests with the applicant in conjunction with any agent he may appoint for that purpose.

PAYMENT OF ASSISTANCE: CONDITIONS AS TO CARRYING OUT OF THE WORKS

The assistance will only be paid when: -

- (i) the assisted works are completed within twelve months from the date of approval or such further period as the Council may allow in writing, and
- (ii) the assisted works are carried out in accordance with such specifications as the Council determine, and
- (iii) the assisted works are carried out by one of the contractors whose estimates accompanied the application, save in exceptional circumstances agreed in writing by the Council, and
- (iv) the assisted works are executed to the satisfaction of the Council, and
- (v) the assisted works are executed to the satisfaction of the applicant, and
- (vi) the Council are provided with an acceptable invoice, demand or receipt for payment for the works and any professional fees and other charges. For this purpose an invoice, demand or receipt is acceptable if, it contains sufficient detail for the Council to identify in full the works carried out and the price charged and is not given by the applicant or a member of his family.

PAYMENT OF ASSISTANCE

The Council may pay the assistance to the applicant, either in interim payments as work proceeds or in one lump sum following completion of work. Alternatively-

The Council may pay the assistance direct to the contractor either in interim payments as work proceeds or in one lump sum following completion of works, as indicated by the applicant on or subsequently to the assistance being approved in writing.

The Council may at the applicant's written request and if they consider it appropriate to do so withhold payment from the contractor. If they do so, they may make the payment to the applicant instead. Where assistance is payable but the assisted works have not been executed to the satisfaction of the applicant, the Council may exercise its discretion to pay the contractor directly, if they are satisfied that the works have been satisfactorily completed.

Where assistance is in any other form than grant assistance the Council will not enter into any form of contract with the contractor and it will be at the assisted applicant's own discretion to agree any contract with the contractor.

Where the applicant has a contribution to pay towards the assisted works this contribution must be paid by the applicant prior to any assistance being paid by the Council.

REPAYMENT WHERE APPLICANT NOT ENTITLED TO ASSISTANCE

No payment shall be made or, as the case may be, no further interim payments shall be paid, where an application for assistance is approved but it subsequently appears to the Council that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to assistance of that description. The Council may demand that any payments that have already been made be repaid immediately, together with interest from the date on which they were paid until repayment, at such reasonable rate as the Council may determine.

CONDITIONS FOR REPAYMENT OF ASSISTANCE

If the applicant is an owner of the dwelling to which the application relates and ceases to be the owner before the works are completed the applicant shall repay to the Council on demand the amount of any assistance that has been paid.

If the applicant is an owner of the dwelling(s) to which the application relates and ceases to be the owner within the assistance condition period the applicant shall repay to the Council on demand the amount of assistance that has been paid.

If the applicant is an owner of the dwelling(s) to which the application relates and, having undertaken to let the dwelling(s) as part of the application and ceases to let the dwelling(s) in accordance with his undertaking within the assistance condition period the applicant shall repay to the Council on demand the amount of assistance that has been paid.

Where the Council have the right to demand repayment but there are extenuating circumstances they may determine not to demand repayment or to demand a lesser amount.

DEATH OF AN APPLICANT

In the event of the death of the applicant before the date of approval of the grant the application will be treated as withdrawn and all ancillary costs incurred prior to the date will be borne by the Council.

In the event of the death of the applicant after the date of approval of the grant or during the course of the works, the works may continue to completion or be made good at the discretion of the Council and the costs of any such works and ancillary costs will be borne in accordance with the terms of the grant approval.

In the event of the death of the applicant after the completion of the works the Council may seek repayment from the deceased person's estate if disposal by sale or a change of tenure takes place within the grant condition period.

ADDITIONAL CONDITIONS

Where the Council approves an application for assistance they may impose additional conditions which, may include but are not restricted to:

- (i) the Applicant making a contribution towards the assisted work
- (ii) the right of the Council to nominate tenants to the living accommodation (where the assistance is for a tenanted property)
- (iii) the right of the Council to recover specialised equipment when no longer needed
- (iv) the appointment of managing agents to let the living accommodation
- (v) living accommodation being maintained in repair after the assisted works have been completed

Breach of any of these additional conditions shall give the Council the right to demand repayment of the assistance.

SECURITY FOR ASSISTANCE

Any condition above which creates a liability to repay the assistance shall be entered as a charge against the property and recorded at the Land Registry. The fee for registration shall be paid by the applicant, and such fees are eligible for assistance under this policy.

The liability to repay any assistance may be discharged at any time by paying to the Council a sum equal to the amount of the assistance or such lesser sum as the Council may agree.

MANDATORY DISABLED FACILITIES GRANTS

Applications for Mandatory Disabled Facilities Grants will continue to be subject to the provisions contained within the Housing Grants, Construction and Regeneration Act 1996 (as amended by the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002).

INTERPRETATION & DEFINITIONS

“Assistance condition period” is the length of time beginning on the date on which the grant is certified, during which any conditions relating to the occupation of the subject property (by any particular person or group of person) are applied by the Policy.

“Living accommodation” has the same definition as "dwelling" and means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to it or

"Mobile home" has the same definition as "park home" and means a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by Section 13(2) of the Caravan Sites Act 1968) which: -

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

- (c) is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (Council Tax), and includes any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it.

"Houseboat" means a boat or similar structure designed or adapted for use as a place of permanent habitation which -

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

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

"Owners interest" in relation to any premises, means

- (a) An estate in fee simple absolute in possession,
- (b) A term in years of absolute of which not less than five years remain unexpired at the date of the application,

whether held by the applicant alone or jointly by others.

"Test of financial resources" - means a method of calculating a person's realistic ability to make a contribution towards the costs of works to a property.

"Registered Social Landlords" has the same meaning as in Part 1 of the Housing Act 1996.

"Date of certificate of completion" means the date on which all necessary documentation relating to the financial assistance has been received and 'deemed complete' by the local authority following the completion, of all works covered by the application

"Extenuating circumstances" in relation to repayment of assistance may include, but are not restricted to, the following:

- (i) Where the council is satisfied that the owner of the property is elderly or infirm and disposing of the property in order to move to accommodation which is more suitable for their needs
- (ii) Where the disposal is to provide an annuity income and the person concerned is entitled to continue to occupy the premises as their only or main residence
- (iii) Where the Council is satisfied that repayment of all or part of the assistance would cause undue hardship to the owner or their family