

## **GEDLING BOROUGH COUNCIL**

### **PRIVATE SECTOR HOUSING GRANTS AND ASSISTANCE POLICY**

#### **1 Background**

- 1.1 This Policy has been adopted by Gedling Borough Council ('the Council') and sets out how it will administer its powers for the provision of grants and/or assistance for improving living conditions in the private sector under the Housing Grants, Construction and Regeneration Act 1996 and/or Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
- 1.2 The Council will consider all applications for grants and/or assistance but, where the assistance is discretionary, it is subject to the Council having sufficient resources.
- 1.3 For Disabled Facilities Grants, please see paragraphs 3 -15; for Housing Assistance, please see paragraphs 16-22; for information about appeals, please see paragraph 23.

#### **2 The Policy**

- 2.1 The Council reserves the right to review this Policy and to make any changes it considers necessary should legislation change and/or more resources for grants become available.
- 2.2 No changes to the Policy will be retrospective unless the legislation which governs the change allows for retrospective application.

#### **3 DISABLED FACILITIES GRANT (mandatory)**

- 3.1 The Disabled Facilities Grant ('the Grant') is designed to pay for, or help towards, the cost of adaptations which are necessary and appropriate for disabled people in living dwellings, qualifying houseboats and caravans, and the common parts of buildings containing more than 1 flat ('the Property').
- 3.2 The Grant will be administered in accordance with the Housing Grants, Construction and Regeneration Act 1996 ('the Act'), as amended; this Policy is for guidance and does not over rule any of the provisions of the Act.

#### **4 Who can apply for a Disabled Facilities Grant?**

- 4.1 The Applicant must be either:
  - a) The owner of the Property on which the works are to be carried out; or
  - b) The tenant\* or licensee (alone or jointly) of the Property; but
  - c) Where the Property is a Caravan, it must be situated on land within Gedling

Borough at the time the application is made.

\*Some tenants are excluded – the Council will provide full information on the types of tenancies included and excluded on request.

- 4.2 The Applicant can be the disabled person but need not be; a Landlord may make the application where the necessary works are to assist a disabled tenant, or an owner occupier may make the application where the works are to assist a disabled family member.

## **5 What work is covered?**

- 5.1 The Grant is mandatory and MUST be approved if the work is necessary and appropriate to give the disabled person better freedom of movement into and around the home and access to essential facilities inside it and it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the Property: this includes works to:-
- a) make it easier to get into and out of the Property by, for example, widening doors or installing ramps;
  - b) ensure the safety of the disabled person and other occupants by, for example, providing a specially adapted room where it would be safe to leave a disabled person unattended, or improved lighting to ensure better visibility;
  - c) make access easier to the living room;
  - d) provide or improve access to the bedroom, and/or kitchen, toilet, wash basin and bath (or shower) facilities; by, for example, installing a stair lift, or providing a ground floor bathroom;
  - e) facilitate the preparation and cooking of food;
  - f) improve or provide a heating system which is suitable for the disabled person;
  - g) adapt heating and/or lighting and/or power controls to make them easier to use;
  - h) improve access and movement around the home to enable the disabled person to care for another person who lives with them, such as a husband or wife, or child, or any other person whom the disabled person cares for;
  - i) improve access to and from the garden, where possible.
- 5.2 Where possible the adaptation must be completed within the existing floor space of the Property.
- 5.3 Approval cannot be given for any works started before the Grant is approved unless the Council is satisfied that there were good reasons for beginning the works before approval.
- 5.4 Approval cannot under any circumstances be given for any work which has been fully completed prior to approval of the application.

## **6 How is the application made?**

- 6.1 Applicants in the first instance should contact the Occupational Therapy Department of Gedling Social Services who will assess the needs of the disabled person and make a referral to the Council setting out what work they consider to be necessary and appropriate to meet the needs of the disabled person.
- 6.2 If the Applicant is not in receipt of one of the passported benefits, the Occupational Therapist will provide the Applicant with a form to be completed for means testing; the completed form should be returned to the Council as soon as possible as the Grant cannot be approved without this.
- 6.3 Once the Council has the referral from the Occupational Therapist, an inspection of the property will be carried out by the Council's Improvement Officer (often accompanied by the Occupational Therapist).
- 6.4 The Council will send to the Applicant a written a schedule of works taking into account the recommendations in the referral, the needs of the disabled person, and what is reasonable and practicable given the age and condition of the property; receipt by the Applicant of the Schedule of works does not indicate that the Grant has been approved, but is indicative of the works which would be approved subject to all other aspects of the application being in order.
- 6.5 The applicant must obtain at least two estimates, from different contractors, for the work listed in the schedule; Council Officers can assist the Applicant if necessary.
- 6.6 The Applicant should submit his written application for the Grant, with:
- a) the estimates for the cost of the works on the schedule; and
  - b) if not already submitted, the financial information form; and
  - c) any necessary forms proving ownership/tenancy and future occupancy; and
  - d) the consent of the owner (if not the Applicant) to carry out the works.

The Council will supply all the necessary forms for completion and, if required, Officers will advise and assist Applicants in completion of the forms.

- 6.7 The Council will carry out an inspection of the Property to ensure that the works proposed in the application and recommended by the Occupational Therapist are necessary and appropriate to meet the needs of the disabled person, and reasonable and practicable given the age and condition of the Property.
- 6.8 Where the application is for, or contains, adaptations which are minor (e.g. the installation of a stair lift) the Occupational Therapist may be able to assist the applicant in obtaining quotes and will submit these with their referral; this will enable the Council (subject to all other necessary paperwork being in order) to fast track that application, or part of it.

## **7 How will the Grant be calculated?**

- 7.1 The maximum grant is £30,000 per application.
- 7.2 The amount of the Grant up to the maximum will be decided by a means test which will look at the income and capital of the disabled person and their spouse or partner.
- 7.3 There is no means test where the disabled person is aged 18 or under.
- 7.4 Applicants who are in receipt of certain income related benefits will not have to undergo a means test; others will have to give information to allow the Council to calculate whether they are eligible for some or all of the costs of the works.

## **8 Are there any conditions?**

- 8.1 The Council will, in accordance with the Act, apply conditions to all Grants approved. Information about the conditions will be provided to all applicants when the Grant is approved, and copies of the standard conditions can be obtained from the Council on request.
- 8.2 All works specified on the schedule prepared by the Council's Improvement Officer must be completed for the Council to meet its contribution to the Grant.

## **9 Will the Council refuse to pay the Grant, once approved?**

- 9.1 In some circumstances the Council may not agree to pay for the cost of the works once the Grant has been approved, where:
  - a) the approved works were started before the Grant was approved and the Council is not satisfied that there was good reason for doing so;
  - b) the information supplied by the Applicant was inaccurate or incomplete;
  - c) the works are not completed to the satisfaction of the Council within 12 months of approval of the application ;
  - d) the works have been carried out by contractors other than those approved by the Council when approving the Grant.

## **10 Will the Grant have to be repaid?**

- 10.1 Where the recipient of the Grant is the owner of the Property the Council may, at its sole discretion, impose a condition for repayment of part of the grant if the owner sells (or transfers) the Property within 10 years of the certified date of completion of the works, however:
  - a) the first £5000 will not have to be repaid; and/or
  - b) the maximum amount repayable will be £10,000;
- 10.2 In every case where the Council imposes such a condition, this will be registered as a local land charge; the amount of the charge will be applied to all the works recommended under the Occupational Therapist's referral (subject to the limits in

paragraph 10.1 above).

- 10.3 In all cases, before demanding repayment, the Council will consider the reasons for the sale/transfer of the property, and whether and to what extent the payee would suffer financial hardship if the Grant had to be repaid; the Council will not demand repayment unless it is satisfied that it is reasonable in all the circumstances to do so.

## **DISCRETIONARY DISABLED FACILITIES GRANTS**

- 11.1 In addition to providing mandatory DFGs, the Authority has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. Using these powers, the Council has agreed to offer discretionary DFG's for private sector residential adaptations in certain specific circumstances

### **12 Top-Up to Mandatory Disabled Facilities Grant (DFG)**

- 12.1 Although the maximum amount of grant available for a mandatory DFG is currently £30,000 the Council has agreed through this policy to potentially provide an additional maximum amount of up to £10,000 as a discretionary top-up where circumstances are such that the cost of work exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered as a top up for schemes that fall within the mandatory grant headings as previously described.
- 12.2 Subject to this assessment discretionary award will potentially make up the difference between the maximum (means tested) mandatory DFG and the cost of eligible works (up to a maximum £10,000). Any discretionary top-up will be fully repayable on the eventual sale of the subject property within 10 years of the date of certified date of completion and will be recorded as a Local Land charge. Any decision by the Council to recover Discretionary Grant payments will be based on the same criteria applied to mandatory grant recovery. The factors that would be considered in such circumstances are set out in Section 10 of this document. Situations outside of these prescribed circumstances would be considered on their own merits following the receipt of written representations from the grant applicant.
- 12.3 Where grant assistance is provided through a dual residency discretionary DFG (see paragraph 13.1 to 13.5 for details), a top-up to mandatory DFG will not also be made available to the property where a maximum mandatory DFG has been awarded. On the basis that both parents/guardians are residents within Gedling Borough Council's district, and the grant assistance is for discretionary purposes and the Council does not have unlimited funding to provide the assistance to more than one property. If the full discretionary grant is required at the second home then no Top Up would be made available to the mandatory scheme.
- 12.4 Any discretionary top-up will only be considered having regard to the amount of resources the Council has at the time. If it does not have sufficient resources left to deal with other referrals that have been passed to the Council by the

Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary top-up.

### **13 Dual residency of disabled child**

- 13.1 Mandatory DFG can only be provided to the 'only or main residence' of the disabled applicant and in circumstances covered by this section it would be assumed that one party would apply for mandatory grant on the basis that the child occupies the subject property as their sole or main residence. The main residence will be determined by which party receives child benefit. This property may or may not be within the Gedling Borough Council district although the Council would only be liable for mandatory grant to any property within our boundaries.
- 13.2 However where families separate and a court order provides that residency of the subject disabled child is split between the mother and father (or other designated guardian) the Council may consider the award of discretionary DFG to one property. The proposed adaptations will only be considered for discretionary assistance if they fall within those headings normally applied to mandatory schemes (see section 3 to 10)
- 13.3 In determining the works that might be considered as eligible for assistance the Council will consider the suitability of the subject property for adaptation, the complexity and scope of the adaptations required and any observations or referral made by the Occupational Therapy service. The scope of any works will not necessarily mirror that to be undertaken at the sole or main residence.
- 13.4 Any assistance provided under this heading will be up to a maximum award of £30,000, but will not be subject to any form of means testing. As the grant is discretionary not means tested any award will be fully repayable to the Council if the subject property is sold within 10 years of the certified date (the date the eligible works are complete). The award amount will be recorded as a Local Land charge. Any decision by the Council to recover Discretionary Grant payments will be based on the same criteria applied to mandatory grant recovery. The factors that would be considered in such circumstances are set out in Section 10 of this document. Situations outside of these prescribed circumstances would be considered on their own merits following the receipt of written representations from the grant applicant.
- 13.5 Any discretionary award will only be considered having regard to the amount of resources the Council has at the time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

### **14 Relocation and Adaptation Assistance**

- 14.1 A relocation grant may be available to an applicant who owns or privately rents their property if adaptations to their current home through DFG are determined not to be feasible or reasonable and they are considering relocation to a property they intend to purchase.
- 14.2 Applicants must be 18 or over on the date the application is made and, in the

case of a disabled child, the parent(s) would make the application. Any application must be supported by a recommendation from the Nottinghamshire County Council's Occupational Therapy service.

- 14.3 The Authority and the Occupational Therapist must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or are satisfied that it can be adapted at a reasonable cost.
- 14.4 Applicants must be relocating within the Gedling Borough Council's district. Consideration may be given to a move within Nottinghamshire but this would require the approval of the relevant district/borough council and consideration of their own grant assistance policy, before deciding whether it is appropriate to award a relocation and adaptation assistance grant from Gedling Borough Council.
- 14.5 A grant of up to £5000 may be made available towards specific relocation expenses, which includes estate agent fees, legal costs, and removal costs.
- 14.6 The cost of the relocation grant together with the cost of any adaptations required to the new property must demonstrate value for money, whether the move is within Gedling Borough Council or to another district/borough council in Nottinghamshire. For moves within Gedling Borough up to £10,000 may be available towards the cost of any adaptations. Any scheme likely to cost in excess of this figure will be considered on its own merits by the Council.
- 14.7 Applications must be submitted prior to the relocation, grants cannot be paid retrospectively. Assistance will not be given toward the purchase price of the new property.
- 14.8 All applicants will be required to complete the move within 12 months from the date of approval of their application. Any payments made will be made either directly to the service/work provider or to the grant applicant. Valid invoices or receipt must be provided prior to payment.
- 14.9 If the move is aborted through the fault of the applicant then costs will not be paid and any costs already paid will be reclaimed from the applicant. If the reason for the move failing is through no fault of the applicant then the Authority will not recover the costs.
- 14.10 The new property must be the disabled person's main residence and no applicant will be awarded a Relocation Grant on more than one occasion.
- 14.11 The Relocation Grant scheme will be subject to the same Test of Resources as the mandatory Disabled Facilities Grant scheme unless the relocation is for a disabled child in which case no test will be applied.
- 14.12 Any Relocation Grant will be recorded as a land registry charge and will mirror those repayment conditions attached to mandatory DFG's that breach a £5000 threshold (see section 10).
- 14.13 Any discretionary award will only be considered having regard to the amount of resources the Council has at the time. If the Council does not have sufficient resources left to deal with other mandatory referrals that have been passed to

the them by the Occupational Therapy Service at the time, the Council reserves the right not to approve any discretionary assistance.

#### **15.0 Discretionary Stair-climber Grant**

- 15.1 A discretionary grant may be made available for a stair-climber to assist service users moving between floors in a property. Funding will only be provided in circumstances where a stairlift or through-floor lift have been considered and determined not appropriate for the property or service user.
- 15.2 The type of circumstances where a Discretionary Stair-climber Grant may be appropriate could be where a service users disability or medical condition do not permit the use of a traditional stairlift or where the design and layout of the property will not allow for a traditional stairlift or through-floor lift and it is more appropriate to enable access to an upper floor in the property than re-design the layout of the property.
- 15.3 The primary aim of awarding a Discretionary Stairclimber Grant is to enable service users to remain in their own home, the grant is awarded due to the needs of the service user or the specific design of the property. Due to the cost of the equipment it is considered capital expenditure and the Council would not look to recover the cost of this discretionary grant. The costs are typically in the region of £5,000 and the Stairclimber is not permanently attached to the property and therefore it is not feasible to recover the costs via a Local Land Charge.

#### **16 Discretionary Grant for clients with less than £6,000 capital savings**

- 16.1 Subject to available funding a Discretionary Disabled Facilities Grant will be made available to service users who have less than £6,000 capital in savings and have been referred to Gedling Borough Council by an Nottinghamshire County Council Occupational Therapist . The Occupational Therapist must have determined that an adaptation is 'necessary and appropriate' but this grant is only available where the service user has in practice been deemed ineligible for a mandatory Disabled Facilities Grant as their calculated financial contribution exceeds the value of the works required. In these circumstances a grant up to a maximum of £3,500 will be made available to service users but this will not be available for people who have been deemed eligible for a mandatory Disabled Facilities Grant but are required to make a contribution to the total cost of the works.
- 16.2 For each grant the full amount awarded will be recorded as a Local Land Charge and fully recovered upon disposal of the property unless financial hardship is demonstrated as per paragraph 10.3 of this policy. The service user must have consent from the owner of the property to carry out the works and accept the Local Land Charge upon completion. The Local Land charge will remain registered against the property until the property is sold to another owner at which point the grant funding will be recovered.

#### **17 HOUSING ASSISTANCE (discretionary Warm Homes on Prescription Grant)**

- 17.1 The Council has access to capital funding to assist a small number of private sector households where a resident is suffering with one or more medical conditions listed in 17.1 that could be exacerbated by living in poor housing conditions – primarily excessively cold or energy inefficient properties. This policy outlines how the funding will be administered and this will be a discretionary grant,



subject to available funding.

- 17.1 Housing Assistance ('Assistance') will be administered in accordance with Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ('the Order'); this Policy is for guidance only and does not override the provisions of the Order.
- 17.2 Under the Order the Council has the power to provide Assistance for the purpose of improving living conditions within the area. The Council has limited finding and has decided that this should be used to target those within the area who suffer from certain medical conditions which are exacerbated by their living conditions. Note that the Council may approve the application for assistance in full or in part, or refuse an application, at its sole discretion.

## **18 Who can apply for Housing Assistance?**

18.1 Applicants must:

- a) provide with their application, confirmation that the applicant (or anybody living with the applicant) suffers from a medical condition which is exacerbated by their living conditions. Residents suffering with one of more of the following medical conditions should be considered:

- I. Atrial fibrillation; heart flutter (AF)
- II. Angina / Coronary heart disease (CHD)
- III. Heart failure
- IV. High blood pressure (hypertension)
- V. Peripheral arterial disease (PAD) – swollen arteries in legs
- VI. A transient ischaemic attack (TIA) or "mini stroke"
- VII. Asthma
- VIII. Chronic obstructive pulmonary disease (COPD)
- IX. Rheumatoid arthritis
- X. Osteoporosis/ brittle bones
- XI. Diabetes
- XII. Cancer

Other medical conditions may be considered appropriate qualifying conditions after consultation with the Food, Health and Housing Manager and the Warm Homes on Prescription Programme Manager.

- b) be over 18 and have an income less than £16,000 per annum and less than £16,000 in savings. Where the applicant is aged 0-16 years old and suffering with one of the above medical conditions they automatically qualify for the scheme. Where the resident is aged 16 – 20 years old and suffering one of the above medical conditions and in full-time education they also qualify for the scheme.

## **19 What work is covered?**

- 19.1 a) Assistance can only be considered for works which are necessary to improve the living conditions of the applicant (or a person living with the applicant) defects that have the potential to exacerbate their medical condition will be prioritised as these are the purpose of the scheme. .

## **20 How is the application made?**

20.1 The requirement for works will be determined by the Council's Environmental Health Officer who will visit the property and assess it in accordance with the Housing Health and Safety Rating System. The Assistance is available where the following hazard profiles are identified:

- A. Hydrothermal conditions
  - Damp and mould growth, category 1 or 2;
  - Excess cold, category 1 or 2.
- B. Pollutants (non microbial)
  - Carbon Monoxide and fuel combustion products, category 1
- C. Other category 1 or 2 hazards which have the potential to impact on the health of the applicant (or person living with him)

Assistance will also be made available where energy efficiency deficiencies are identified and improvements are identified by the Environmental Health Officer.

The Environmental Health Officer will draw up a schedule of work to address some or all of the above.

20.2 The Council will require the Applicant to obtain at least two estimates, from different contractors, for the work detailed in the schedule; and submit these to the Council; the Council will write to the Applicant confirming whether some or all of the works are approved.

20.3 The Applicant must be:

- a) The owner of the property on which the works are to be carried out; or
- b) The tenant\* or licensee (alone or jointly) of the Property; but
- c) Where the property is a caravan, it must be situated on or land within Gedling Borough at the time the application is made.

\*excluded tenancies are the same as the Grant and full details will be provided on request.

20.4 The Applicant can be the person with the medical condition but need not be; a Landlord may make the application where the works are for the benefit of a tenant with such a medical condition, or an owner/occupier may make the application for the benefit of a family member.

20.5 The Applicant will have to supply confirmation from the owner of the property (if not himself) that the owner consents to the work being carried out.

## **21 How much Assistance is available?**

21.1 The cost of eligible works approved by the Council up to a maximum of £5,000 per property for an owner/occupier, or private rented property. Where the cost of works exceed this limit the Food, Health and Housing Manager will consult the Warm Homes on Prescription Programme Manager to identify if there are any alternative

sources of funding or whether additional funding can be made available through this scheme. The Assistance is not available where a property is owned by a social landlord.

## **22 Are there any conditions?**

- 22.1 The Council reserves the right to apply conditions to all approvals for Assistance at its sole discretion.
- 22.2 Before providing any Assistance the Council will:
- a) give to the recipient a statement in writing setting out any conditions which apply; and
  - b) Satisfy itself that the recipient has received appropriate advice and information about the extent and nature of any obligation (financial or otherwise) imposed as a result of the Assistance.

## **23 Will the Assistance have to be repaid?**

- 23.1 The funding for this scheme is available specifically for supporting vulnerable households described in this policy and the Council will not require repayment of the grant. Grants awarded will not be registered as a Local Land Charge.

## **24 APPEALS**

- 24.1 All applications for Grants and/or Assistance will be considered in accordance with the relevant legislation and this Policy.
- 24.2 When refusing to allow a Grant and/or Assistance, the Council will inform the applicant in writing of the decision, and the reasons for the decision.
- 24.3 When making a decision about whether to enforce any conditions relating to the repayment of a Grant and/or Assistance the Council will consider the circumstances of each individual matter and will notify the applicant/recipient in writing of the decision about repayment, and the reasons for it.
- 24.4 Any applicant/ recipient who wishes to appeal a decision of the Council must do so in writing, setting out their grounds for appeal, along with any exceptional circumstances which the Appellant wishes the Council to consider.
- 24.5 The Appeals should be addressed for the attention of the Service Manager, Public Protection and should be received by him within 28 days of the date of the decision letter.
- 24.6 The Service manager, Public Protection will review the decision within 28 days of receipt of the Appeal, taking into account all information on the file and any additional matters raised in the appeal submissions, and will notify the Appellant of the decision, with reasons for it.
- 24.7 All decisions, whether on the original application or on appeal, will be determined in accordance with the relevant legislation and this Policy. However the Portfolio holder may, at his absolute discretion, where he considers that there are exceptional and compelling reasons, authorise the Grant or Assistance where an

application would normally be refused under this policy.

- 24.8 The Portfolio holder may only exercise his discretion in the paragraph above where to do so would not contravene the provisions of the Act and/or the Order.