

MANDATORY AND DISCRETIONARY DISABLED FACILITIES GRANT - CONDITIONS

These conditions apply to all Mandatory and Discretionary Disabled Facilities Grants ('Grants') unless stated otherwise; please note that the Council may approve a Grant on terms that it (or part of it) shall not be paid before a specified date; if this applies then the date will be notified with the notification of the decision.

Conditions as to carrying out of the works

1. Works approved under the Grant must be completed within 12 months of the date of approval, unless the Council gives written permission for the date of completion to be extended. Applicants who think they will not be able to complete the works on time must contact the Council BEFORE the 12 month deadline, to give reasons for the delay and to seek permission for the date to be extended.
2. All work must be completed in accordance with the specification issued by the Council, and comply with Building & Planning Regulations, and the minimum requirements of any relevant Statutory bodies e.g. Severn Trent Water Limited, Powergen, Transco, Gas Safe.
3. The works must be carried out to the satisfaction of the Council and, before the Grant is paid, the applicant must submit to the Council proper invoices, accounts or receipts from the firms carrying out the work. Invoices etc from the applicant or applicant's family will not be accepted. An officer from the Council will visit to verify the works have been carried out and a certificate of completion will be produced as the certified date of completion.

4. Conditions as to contractors employed

Unless the Council states otherwise, the works must be carried out by the contractor who submitted his estimate with the application (or, where there were more than one estimate, by one of those contractors).

5. Payment of Grant to contractor

The Council may pay the grant (or part of it) direct to the contractor, or by cheque made out to the contractor but delivered to the applicant. Where ever the Council intends to do this it will tell the applicant before the Grant is approved.

6. If the works are not carried out to the satisfaction of the Council (see number 3 above) the Council may, at the request of the applicant and if the Council considers it appropriate, withhold payment from the contractor.

7. Applicant ceasing to be entitled before payment

The applicant must tell the Council if he ceases to be an owner/tenant (or landlord if applicable) of the property after the Grant is approved but before the works are completed to the satisfaction of the Council. In this case the Council will not make any payment under the Grant, and if one or more instalments have already been paid, the Council may demand repayment, with interest. This will not apply where conditions 8 or 10 below apply.

8. Change of circumstances affecting disabled occupant

The applicant (or his executors/personal representatives) must inform the Council of any change of circumstances after the date of approval but before the works are certified as complete which affects the disabled occupant (or one of them if more than one) where the change:

- i) Means that the works are no longer necessary or appropriate to meet the needs of the disabled occupant; or
- ii) The disabled occupant moves out of the property; or
- iii) The disabled occupant dies.

The Council may decide that the Grant shall not be paid at all, or that some of the works should be completed and an appropriate proportion of the Grant monies paid, or that the application should be re- determined in the light of changed circumstances. The Council may also demand repayment of any instalments already paid, with interest.

In coming to a decision the Council will take into account all the circumstances of the case.

9. Death of an applicant

Where an applicant dies after works have been approved but before the works are complete and the Grant paid, and liability has been incurred for some or all of those works, then the Council may, if they think fit, pay the grant in respect of some or all of the works.

10. Cases in which the Grant may be recalculated, withheld, or repaid

The Council reserves the right to recalculate or withhold the grant, and reclaim payments with interest, where one or more of the following apply:

- i) Inaccurate or incomplete information was given on the application form so that the grant approved is more than the applicant is properly entitled to;
- ii) works are started before the Grant was approved by the Council;
- iii) works are not satisfactorily completed within 12 months (or any extended period allowed by the Council);
- iv) the actual costs of the approved work is less than the amount of Grant approved;
- v) different contractors are used from those approved by the Council.

11. Repayment where applicant not entitled

Where a Grant is approved but it later becomes apparent that the applicant was not, at the time it was approved, entitled because he did not own the property, or was not a tenant, or he/his landlord did not have the intention specified in the owner's certificate, then the Council will not pay any Grant monies and any which have been paid will have to be repaid, with interest.

12. **Repayment from Insurance/proceeds of claim**

Recipients must tell the Council if they can:

- i) Make an insurance or legal claim against another person in respect of the damage to the property which the Grant relates; or
- ii) Make a legal claim for damages in which the cost of the works to the property to which the grant relates is part of the claim.

In these cases the Council can require the recipient to take reasonable steps to make such a claim and to repay all or part of the Grant from the amount claimed.

13. **Sale within 10 years**

The recipient of the Grant must inform the Council of their intention to dispose (whether by sale, assignment, transfer or otherwise) of the property within 10 years of the certified date of completion of the works, and to provide such information as the Council requests.

14. **Repayment of assistance**

Where the amount of the **Mandatory Disabled Facilities Grant** or a discretionary '**Relocation and Adaptation Assistance**' exceeds £5,000 the Council will require repayment of the amount above £5,000 (up to a maximum of £10,000) if the recipient of the Grant sells/disposes of the property within 10 years of the date of certified completion of the works.

Where a discretionary '**Top-up to Mandatory DFG**' or '**Dual Residency of Disabled Child**' or '**Discretionary Grant for Clients With Less Than £6,000 Capital Savings**' has been awarded the full amount of the discretionary grant award will be repayable where the property is sold/disposed within 10 years of the certified completion date. Where the property is sold/disposed after 10 years of the certified date of completion of the works the grant will no longer be repayable.

Before requiring repayment of any Mandatory or Discretionary DFG the Council must be satisfied that it is reasonable in all the circumstances to require repayment, and will take into consideration:

- i) The financial hardship which would be suffered by having to make the repayment;
- ii) Whether the sale/disposal is to allow the recipient of the grant to take up employment, or to change the location of his employment;

- iii) Whether the sale/disposal is connected with the physical or mental health or well being of the recipient or disabled occupant;
- iv) Whether the sale/disposal is to enable the recipient of the grant to live with or near any person who is disabled, infirm and in need of care which the recipient of the grant will provide, or who is intending to provide care of which the recipient of the Grant is in need by reason of disability or infirmity.

This condition is a local land charge and will be binding on any person who is the owner of the property, at the time of the Grant or in the future.