



Cheshire West & Chester Council

Home Assistance Policy



Building futures, opening doors



Cheshire West
and Chester

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1. Policy overview

1.1 Introduction

This Home Assistance Policy sets out how we will use our powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to improve the quality of housing for those most in need. This policy details the range of financial assistance available, the application process and any applicable terms and conditions.

1.2 Policy Aims

This Policy is informed by, and contributes to, the delivery of the authorities strategic priorities detailed in the THRIVE Outcomes Plan, Housing Strategy and Empty Homes Strategy.

This policy will aim to:

- Ensure that residents with disabilities have access to grant assistance so their home can be adapted to meet their needs and enable them to live safely and independently at home;
- Provide funding to vulnerable households where poor housing conditions are causing a detriment to their health and lastly;
- Increase the supply of housing across the borough by bringing back into use homes that have been empty for two years or more.

1.3. Monitoring and review

This policy will be monitored via performance indicators reported on a quarterly basis. The policy will be reviewed on an annual basis to ensure it meets its strategic aims. It may also be amended to reflect a change in legislation or budgets.

1.4 Resources

We will fund this policy through a combination of the following:

- The allocation received from the Department of Communities and Local Government for Disabled Facilities Grants
- A proportion of our own resources through the Housing Capital Programme. These resources will usually be decided on an annual basis by the council as part of its budget setting process.

With the exception of Disabled Facilities Grants any award of financial assistance is discretionary and is subject to the availability of appropriate financial resources.

1.5. Advice and support

In addition to providing financial assistance, free advice and support is available to home owners and private tenants via the website:

<https://www.cheshirewestandchester.gov.uk/residents/housing/housing.aspx>

The council's home Improvement agency, Home Assistance Hub is there to provide advice and support to older and disabled homeowners to help them with repairs, adaptations and improvements so that they can remain at home in safety, security and warmth.

The agency is able to assist applicants applying for grant or loans, or having work carried out privately. The agency can also offer free help and advice on obtaining funding for work including, grants, savings, welfare benefits, loans, equity release and charitable funding. In addition, they can provide complementary services such as: a Handyperson Service; undertake small home safety repairs; security measures; and energy efficiency advice.

2. Types of assistance available

The types of assistance available, their conditions and eligibility criteria are summarised in this section. If you require more detailed information, please refer to the section: Conditions of assistance. If you require clarification on some of the terms used such as: "equity loan", "owner's interest", or "category 1 hazard", definitions are available in the glossary in appendix E.

2.1 Decent Home Loan

The Decent Home Loan is an equity loan which is available to cover works which bring the property up to the Decent Homes Standard (appendix A). For example, works to:

- Remedy serious disrepair to the fabric of the dwelling
- Provide modern kitchen and bathroom facilities
- Improve the heating systems and insulation
- Remove any serious hazards which could affect the health and well-being of the occupier such as dampness, dangerous stairs or defective electrical wiring.

Eligibility criteria

- Applicant has an owner's interest.
- Applicant must have sufficient free equity in their property to cover the loan.
- Property is non-decent or has category 2 hazards significantly above the average for the age of the property.

- Applicants, who following a test of resources, are able to contribute less than 75% towards the eligible cost of works.

Summary of conditions

- Property must be occupied by the applicant or a family member as their main residence.
- On completion, the property must meet the Decent Homes Standard and have no significant hazards.
- The council's legal charge is secured at the Land Registry
- No further financial assistance for five years from the completion date. (except for Disabled Facilities Grant).
- Property must be covered by building insurance until the loan is repaid.

Amount

- Maximum of £40,000 and minimum of £1,000, subject to a test of resources
- The council takes a share of the property value, proportional to the cost of the works, as a percentage of the property's unimproved value
- Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application. Only one succession is allowed. Any further sale or transfer will require repayment.
- Voluntary early repayment may be made at any time.

2.2 Home Safety Grant

The Home Safety Grant is a grant available to home owners to carry out urgent repairs where there is a serious risk of harm to the occupiers. For example:

- Serious electrical faults
- Structural collapse
- Inadequate heating.

The Home Safety Grant is only available where the offer of a Decent Homes Loan is inappropriate due to lack of available equity or where timescales are an issue.

Eligibility criteria

- Applicant has an owner's interest.
- There are Category 1 hazards present (Bands A and B).

Summary of conditions

- Grant must be repaid if applicant moves within five years
- A local land charge is secured against the property

Amount

- Maximum £5,000 subject to assessment of resources test.

2.3 Empty Property Assistance

Grants are available to help owners bring their empty property back into use by contributing towards the cost of works to improve the property to the Decent Homes Standard (appendix A). For example:

- Works to remedy serious disrepair
- Provide modern kitchen and bathroom facilities
- Improve heating systems and insulation
- Remove any serious hazards which could affect the well-being of the occupier such as: dampness, dangerous stairs or electrical wiring

There are two types of assistance available: Empty Property Grant and Conversion Grant.

2.3.1 Empty Property Grant

Eligibility criteria

- Residential property vacant for at least 18 months and must be non-decent.
- Limited to properties in council tax bands A, B, C and D.
- Applicant must have an owner's interest.
- The owner must intend to either occupy or let the property.
- It should be noted that an Empty Property Grant is not available to facilitate the sale of a property.

Summary of conditions

- If the property is to be rented, the landlord must join the Cheshire Landlord Accreditation Scheme on completion of works.
- Property must meet the Decent Homes Standard and be occupied before payment of grant can be made.
- Works must be completed and the property occupied within 12 months of grant approval.

- There are additional specific conditions where the council has nomination rights. (For further details, please see section 6: General conditions of assistance).

Amount

- Level 1: 50% of cost of eligible works up to a maximum of £2,000 available to owner occupiers and private landlords.
- Level 2: 50% of cost of eligible works up to a maximum of £10,000 available to private landlords who guarantee to let at an affordable rent (Local Housing Allowance rate), and allow the council to nominate tenants for five years.

2.3.2 Conversion Grant

Eligibility criteria

- Dwelling/premises vacant for at least 12 months.
- Planning permission has been granted for the conversion.
- Applicant has owner's interest.
- New units are of a type and size identified by the council as being required to meet local housing need.

Summary of conditions

- Landlord must join the Cheshire Landlord Accreditation Scheme on completion of the works.
- Landlord must: guarantee to let at an affordable rent (Local Housing Allowance rate); issue a 12 month tenancy and allow the council to nominate tenants, for 5 years.
- No further grant assistance on the same property for 15 years from the completion date.
- Property must meet the Decent Homes Standard and be occupied before payment of grant.
- Works must be completed and property occupied within 12 months of grant approval.
- Not repayable unless a grant condition is breached.
- There are additional specific conditions where the council has nomination rights. See section: General conditions of assistance.

Amount

- 50% of cost of eligible works up to a maximum of £15,000 per self-contained unit of accommodation provided. Maximum of £75,000 per scheme.

2.4 Housing Adaptations Assistance

2.4.1 Disabled Facilities Grant (DFG) for Major Adaptations

This is a mandatory grant to provide housing adaptations to enable a disabled person to live independently at home. Eligible works include:

- Improving access to the home and garden,
- Adaptations to allow access to essential facilities within the home. For example, stairlifts, level access showers, ground floor bedroom and bathroom extensions, and kitchen alterations. (Please see appendix C and D for definition of eligible works and disabled person).

Eligibility criteria

- Referral by Occupational Therapist/Social Care Assessor confirming that work is necessary and appropriate.
- Adaptation is the most satisfactory course of action subject to a 'reasonable and practicable' assessment.
- Work costs in excess of £1,000
- Available across all tenures subject to a test of the applicant's resources, unless the application is in respect of a child.
- Registered providers of social housing are expected to make reasonable budget provision to meet the cost of adaptations for their tenants and are expected to pay for adaptations up to the value of £15,000. If the anticipated adaptation costs for a particular case exceed £15,000, the council will grant aid to the full cost of the scheme via DFG up to a maximum of £30,000 and subject to the test of resources if applicable. If demand for adaptations exceeds available registered provider budgets and leads to excessive waiting times, the council will review this arrangement on request from the registered provider.
- Separate arrangements apply for council tenants. Please contact ForHousing for further details.

Summary of conditions

- As set out in the Housing Grants, Construction and Regeneration Act 1996.
- Repayment of grant may be required if the applicant moves within 10 years of the completion date.
- Repayment will only be required if it is reasonable to do so having considered all relevant factors.
- Amount repayable is the amount of grant paid above £5,000, up to a maximum repayment of £10,000.

Amount

- Maximum of £30,000
- Subject to a test of resources (unless application in respect of a child).

2.4.2 Housing Adaptation Panel Assistance

The following cases will be considered for assistance by a Housing Adaptation Panel:

- Cases requiring fast-tracking where the timescales for DFG would present an unacceptable risk to a person or their carer. For example, palliative cases.
- Cases that do not meet criteria for DFG and present unacceptable risk to a person or their carers.

2.4.3 Minor Adaptations

Where appropriate, the council will provide free of charge minor adaptations costing less than £1,000 to help with daily living, such as grab rails, ramps, handrails and minor alterations to steps. Assessment is by an occupational therapist/social care assessor. Tenants of registered providers should contact their landlord in the first instance.

2.5 Discretionary Loan and Grant

A discretionary Loan and Grant may be available as a 'top-up' in connection with Decent Home Loans and Disabled Facilities Grants particularly where the works exceed the maximum loan or grant limit. The discretionary loan and grant are also available for repair or adaptation works which fall outside the eligibility criteria of other types of assistance contained in this policy. For example, additional works recommended by an occupational therapist that is not covered under the Disabled Facilities Grant criteria, or households not eligible for a Decent Homes Loan (such as tenants with a full repairing obligation).

Eligibility criteria

- Available to owner occupiers and private rented tenants in connection with a Disabled Facilities Grant. (Please note discretionary loan and grants are not available to registered provider or council tenants).
- Owner occupiers only for all other cases.
- Decisions will be made by a management panel.

Summary of conditions

- For applicants who cannot obtain funding from other sources.
- Conditions requiring repayment of grant if the applicant vacates or sells the property may be applied dependent on the details of each individual case. Loan repayment conditions will be as for Decent Home Loans.

Amount

- Dependent on the details of each individual case.

3. The application process

3.1 Making an enquiry

3.1.1 How to make an enquiry for a Disabled Facilities Grant

To apply for a Disabled Facilities Grant, please contact the council's Referral and Advice Team on 0300 123 7741. Initially an assessment will be carried out over the phone to determine eligibility. Applicants may be visited at home so that their needs can be assessed by an occupational therapist.

Following this assessment, the Home Assistance Hub, the council's home improvement agency, will help complete a financial information form about the applicant and their family. They will then calculate whether the applicant is eligible for a grant on the basis of the information provided. Disabled Facilities Grants are subject to a test of resources, unless the application relates to a child. This will be in accordance with Government regulations which are updated periodically.

The applicant's property will also be inspected by a technical officer to see whether the works that the occupational therapist has recommended can be reasonably and practicably carried out. A healthy homes check is also carried out at this time to ensure there are no other risks to the health and safety of the occupants or visitors to the property. The applicant will be informed in writing of any recommended property repairs and improvements, and advice will be given on any funding available to assist.

3.1.2 How to make an enquiry for any other types of financial assistance

For other types of financial assistance, the first stage is completion and return of a preliminary enquiry form, or an application form, depending on

the type of assistance required. The specific terms and conditions for each type of assistance will be detailed in the application pack.

Applicants will be required to provide income and savings details if appropriate and details of the problems they are experiencing including any photographic evidence which will help assess the priority of the case.

Enquiries for Decent Home Loans and Home Safety Grants are risk assessed on a points basis. Priority is given to vulnerable residents living in the worst conditions. Please see appendix B for further details.

On receipt of the completed form, the applicant's details are checked against the qualification criteria for the type of assistance applied for and a test of resources carried out if appropriate. Applicants are then notified as to whether or not they are likely to have to make a financial contribution towards the cost of any works

For most types of assistance, the council, or Home Assistance Hub, will carry out a survey of the property to find out if it meets the Government's minimum standard for housing: the Decent Homes Standard (see appendix A for further information). They will check for any safety issues in the home using the Housing Health and Safety Rating System (HHSRS) that may be a risk to the occupants or visitors to the property. The applicant will be advised in writing of any hazards found and provided with a list of recommended property repairs and improvements.

An assessment to decide the most satisfactory course of action for dealing with the conditions identified is also completed. If the property meets the eligibility criteria, a schedule of repair works will be issued that when completed will improve the property to the Decent Homes Standard. The schedule will be accompanied by the appropriate grant or loan application forms.

Where the council provides assistance under this policy, the standard for improvement works is the Decent Homes Standard. Decent homes are free from Category 1 hazards (HHSRS), free from serious disrepair, have reasonably modern facilities and a reasonable degree of thermal comfort.

Such improvement works will also usually remove most Category 2 hazards, if present. Any remedial works will also include replacement of any key components that are likely to fail in the next five years, thus preventing the property becoming non-decent.

We will seek to remedy any other Category 2 hazards not covered that are significantly above the average. Such hazards may in the future become

Category 1 hazards, leading to non-decency, or result in harm to the occupant if allowed to deteriorate. Examples include roof repairs, works to prevent falls on the level, between levels, and stairs, damp and mould issues, electrical and fire safety works.

It is anticipated that the majority of home owners and qualifying tenants will choose to employ the services of Home Assistance Hub, to assist with the completion of the necessary documentation and also to obtain contractors estimates through a formal tendering exercise. Fees charged by Home Assistance Hub for their service can be included in the application and in most case are fully funded by the grant or loan.

Generally, a minimum of two estimates are required from separate VAT registered contractors, to complete the necessary works. This requirement may be waived at the discretion of the council.

If you are a homeowner and wish to make an enquiry for Decent Home Loan or Home Safety Grant, please contact:

Home Assistance Hub,
Unit 2, Rossmore Business Village,
Inward Way,
Ellesmere Port,
CH65 3EY.
Telephone: 0151 356 5606.
Email: DFG-Homeloans@homeassistancehub.co.uk

3.1.3 Empty property assistance

There is also help available to empty home owners who need help to bring their empty home back into use. Landlords can also access financial support if they have recently purchased a former long term empty home.

If you are a landlord or the owner of an empty property and wish to make an enquiry for an Empty Property Grant or Conversion Grant, please contact:

Empty Homes Team,
Regulatory Services,
HQ Council Offices,
58 Nicholas Street,
Chester,
CH1 2NP.
Telephone: 0300 123 70 38.
Email: emptyhomes@cheshirewestandchester.gov.uk

Further information about the range of financial assistance available is available on the council's website:

www.cheshirewestandchester.gov.uk/residents/housing/housing.aspx

3.2 Approval of applications

When the council receives an application form, it is checked to ensure that all documentation received is complete and correct. A formal test of financial resources is then carried out if appropriate.

For owner-occupiers and qualifying tenants applying for a Decent Home Loan and Home Safety Grant, successful approval will be in accordance with the legislation that governs the means test for mandatory Disabled Facilities Grants. These regulations are updated on a periodic basis.

The council or Home Assistance Hub will also carry out a costing exercise to determine an eligible cost for the repair works and compare this to the contractor's estimates. Where additional "non-eligible" items of work have been included in the estimate, these are not considered for assistance. Similarly, where contractors' costs or professional fees are considered to be excessive, the excess proportion of the costs will not be eligible for assistance. This process helps the council ensure value for money is achieved for the customer and public funds spent in the borough.

Once we are satisfied that all the necessary paperwork is in order, the council will write to the applicant advising whether or not the grant has been approved. For most types of assistance, works must be carried out within 12 months, by a contractor whose estimate was submitted with the application.

3.3 Loan administration

In processing loan applications, the council must be aware of, and comply with, all aspects of consumer credit regulation and guidance. The principal regulators for financial services are the Financial Services Authority (Mortgage Regulation), and the Office of Fair Trading (Consumer Credit Regulation). Any financial service providers including local authorities and registered providers may give advice about their own financial products. However, they must not offer financial advice on any other financial products.

The council can only offer information on its own products. Where loans are being offered, applicants will be strongly advised to take independent financial and legal advice.

Local authorities are exempt from the Financial Services Authorities authorisation for mortgage lending and administration. However, the council must adhere to the underlying key principles of mortgage regulation, which will be taken into account in any case referred to the Local Government Ombudsman. These are:

- authorities must ensure that their procedures are open and readily accessible to members and the public,
- loans are administered in a manner which is both reasonable and fair.

The council will also comply in full with the Government guidance document: Mortgage Sales Guidance for Local Authorities and Registered Social Landlords, published by the Ministry for Housing, Communities and Local Government at www.gov.uk

The council must ensure that applicants have received appropriate advice or information on any obligations or conditions arising from the assistance. The council will set out in writing the terms and conditions under which the assistance is being given and have regard to the applicant's ability to make a contribution or repayment.

Before works can go ahead, the council and the applicant will enter into a suitably drafted form of agreement (the offer document). The applicant will be advised to take independent financial/legal advice before entering into the agreement.

With regard to equity loans, if the council's level of equity share is in excess of 30%, the applicant will be required to take financial advice before the loan is approved.

The council will register its interest in the property as a charge at the Land Registry. Before agreeing to a loan, the council will have regard to the number of charges already registered over the property and the amount of equity in the property. In the event of prior charges being registered, the council will take a view on the viability of the proposed loan.

To protect the council's interest, applicants will be required to provide evidence of a valid house insurance policy. Once the loan has been awarded the applicant must arrange with their insurance company to include Cheshire West and Chester Council on the policy as having an interest in the property. Should the policy lapse then the insurance company would notify the council. Contact would then be made with the recipient to determine what alternative arrangements have been made to re-insure the property. If the property remains uninsured, the council may take steps to recover the loan.

3.4 Payment of grants and loans

Where the works undertaken are of a satisfactory standard and are supported by an acceptable invoice, interim payments can be made (except for Empty Property Grants and Conversion Grants). All payment requests must be made on the council's payment request form.

On completion, a technical officer will undertake a full inspection of the works. Payment of the grant or loan will only be made when the applicant and the council are happy that all works have been completed satisfactorily, all

relevant invoices, guarantees and certificates have been received, and conditions of assistance met.

Where applicants have engaged the Home Assistance Hub to handle their application, grant or loan aided works and fees will be paid direct to the Hub, who will pay contractors for completed works.

In cases of dispute between the applicant and the contractor over the satisfactory completion of grant works, the council reserves the right to adjudicate and release payment to the Home Assistance Hub as appropriate.

4. Conditions of assistance

4.1 General terms and conditions

All forms of assistance referred to in this policy document are subject to a number of general terms and conditions as detailed below.

Full terms and conditions for the specific type of assistance applied for will be provided with the application pack.

Applicants should consider the terms and conditions carefully, particularly when applying for loan assistance.

The following list is not exhaustive.

- All applications for assistance must be made on the council's official application forms.
- All applicants will be required to have their property registered with the Land Registry and may be subject to bankruptcy checks.
- A minimum of two quotes must be submitted with the application from appropriately qualified VAT registered contractors unless otherwise directed, one of whom must subsequently complete the works.
- The payment or part payment of grants and loans is conditional on the eligible works being carried out to the satisfaction of the council and the receipt of an acceptable invoice for the works and any ancillary or professional fees. An invoice will not be acceptable if it is provided in the name of the applicant or a member of the applicant's family, unless the applicant is a director of a limited company.
- If an interim grant or loan payment has been released before the work is certified as complete and the owner disposes of the property, the owner will be required to repay to the council the full amount of financial assistance paid.
- Unless stated otherwise, any grant assistance and related conditions will be secured as a local land charge against the property, where breach of the condition would require repayment of all or part of the financial assistance. This charge will not be removed until either the conditions expire or until the financial assistance is repaid.

- Costs (including maximum levels of assistance) include VAT at the applicable rate.
- Applicants for Disabled Facilities Grants, Decent Home Loans and Home Safety Grants are required to submit a recent utility bill (e.g. gas, electric or water) as proof of address. In addition to the above, applicants will also be required to provide their National Insurance Number.
- For assistance subject to a test of financial resources, applicants will be required to submit the following:
 - a) If working and not self-employed, a certificate of earnings completed and stamped by the employer. The council will provide the appropriate form to be completed;
 - b) If self-employed, income details for the 52 weeks immediately preceding the date of application, verified by a qualified accountant. Full audited accounts may be required. The council will provide the appropriate form to be completed;
 - c) If in receipt of a state means-tested benefit, a copy of the payment book or relevant documentation will be required. The council may contact the appropriate government agency to check and verify the information submitted.
 - d) Evidence of savings or assets such as a second property.
- No assistance will be awarded for works that have commenced prior to the date of formal notification of grant or loan approval.
- Where it is ascertained that an application for assistance has been determined on the basis of inaccurate or incomplete information, the council can withhold or demand repayment of monies from the applicant.
- If an applicant knowingly makes a false statement, in respect of any information they provide as part of an application for financial assistance or payment, including details of income and savings, the council may refer the matter to the Police with a view to prosecution.
- In exceptional cases, where the property must be vacated in order for works to be carried out, the council may be able to assist in finding temporary accommodation. Residents must be unable to arrange temporary accommodation privately e.g. with family or friends and will be liable for the cost of any rent, removals or furniture storage incurred. However, if the applicant would suffer undue hardship, the council may be able to provide discretionary grant or loan assistance.

4.2 Fees and charges

For the purposes of this policy, professional fees and charges in respect of applications for financial assistance will include the following:

- Confirmation, if sought by the local authority, that the applicant has an owner's interest
- Initial valuation of the property (Decent Home Loans)

- Technical and structural surveys
- Design and preparation of plans and drawings
- Preparation of schedules of relevant works
- Assistance in completing forms
- Advice on financing the cost of the relevant works which are not met by grant
- Applications for building regulations approval (including application fee and preparation of related documents)
- Applications for planning permission (including application fee and preparation of related documents)
- Applications for listed building consent (including application fee and preparation of related documents)
- Applications for conservation area consent (including application fee and preparation of related documents)
- Obtaining estimates
- Advice on contracts
- Consideration of tenders
- Supervision of relevant works
- Disconnection and reconnection of electricity, gas, water or drainage utilities where this is necessitated by the relevant work
- Payment of contractors
- Loan charge land registration fees.

4.3 Requests for extension of time

It is a condition of payment of grant and loan assistance that the eligible works are carried out within 12 months from the date of the approval of the application concerned. Only in exceptional circumstances will the council agree to extend the period of time in which the approved works must be completed. Nonetheless, it is recognised that occasionally there will be valid and genuine reasons, beyond the control of the applicant, for not being able to complete the works on time.

Requests for extension of time must be made in writing to the council, explaining the circumstances of the case and the reasons why the works cannot be completed within the specified timescale, together with the amount of additional time being requested. The particulars of each individual case will be considered on their own merits and the applicant (or agent acting on their behalf) will be notified of the outcome in writing.

4.4 Revisions after loan or grant approval

Where, owing to circumstances beyond the control of the applicant, the eligible works cannot be completed for the estimated costs submitted with the application, we will consider written requests for additional assistance.

Requests will be considered in accordance with the following guidelines:

- Where the eligible works cannot be completed without carrying out additional unforeseen works.
- Where the additional costs would place the applicant in undue hardship.
- In all cases, the re-determination of an approval will be subject to the total amount of assistance not exceeding the relevant maximum level of assistance.

Please note: For Decent Home Loans, requests for additional financial support will only be considered for works in excess of £250. Below this threshold applicants are expected to fund any unforeseen works. If an applicant's assessed contribution under the test of resources has been added to the loan, unforeseen works will only be considered if £250 in excess of their contribution.

4.5 Repayment of grants and loans

Where a property is vested in another individual's name under a will or intestacy, the death of the owner will trigger repayment, unless the property was the inheriting person's main residence at the time of application. In this case, the condition to repay the loan/grant assistance and occupy the property will transfer to the new owner.

There will be no exception to the repayment of any loan as the council is mindful of the fact that public money is being used to fund works and would wish to maximise recycling of resources to assist others.

However, it is recognised that there will be certain situations where it would be inappropriate or unreasonable for the owner to be required to repay other grant assistance monies on disposal of the dwelling, particularly in respect of Disabled Facilities Grants.

A written request for a repayment waiver must be made to the council, explaining the circumstances of the case and the reasons why repayment of grant would cause undue hardship. The particulars of each individual case will be considered on their own merits by a management panel and the applicant (or agent acting on their behalf) will be notified of the outcome in writing.

4.6 Additional conditions where the council has nomination rights

1. Tenancies are to be 12 months assured shorthold tenancies.
2. The rent level is to be set at the Local Housing Allowance (LHA) rate for the area for the full 5 year grant condition period, subject to any changes that may come into force during this period. Should any changes to the LHA have a significant adverse impact on the landlord, the landlord may write to the Strategic Housing and Commissioning department with supporting information and request to be released from the council's nomination rights. The request will be considered

and will not be unreasonably withheld or delayed. Landlords are advised to check LHA rates with the Housing Benefits Team.

3. It is the tenant's responsibility to pay the rent. Tenants may be eligible for LHA to assist them in paying rent, however, depending on their income, they may not be eligible for LHA or may receive only a proportion of the rent due. Landlords should be aware that a tenant may experience changes to their benefit entitlement, including LHA at any point during the tenancy, for instance if they find work.
4. West Cheshire Homes' Private Landlord Service team can request direct payments to safeguard the rent payment to landlords for certain customers, for instance customers who have been homeless or are at increased risk of becoming homeless, have had a previous tenancy where they have been a month in arrears at any given time or have complex support needs. In such cases, Private Landlord Service staff will assist the tenant in applying to:
 1. Housing Benefit for LHA to be paid directly to the landlord / agent (where a tenant is eligible for LHA) LHA direct payments to landlords are paid on a 4 weekly payment cycle from Housing Benefit. Direct payments to landlords are governed by LHA regulations and will be reviewed by the Housing Benefit Team at intervals in the tenancy or;
 2. For tenants claiming Universal Credit, assistance will be provided to the tenant to apply for direct payment to the landlord via the completion of an assisted payment arrangement form.
5. If changes to benefit entitlement have an adverse financial impact on tenants and they are unable to pay the rent due, in the first instance, West Cheshire Homes' Private Landlord Service will work with the tenant and the landlord in seeking a resolution to this issue. If any shortfall in rent due cannot be met by the tenant, the Landlord may consider their options and end the tenancy through service of the appropriate legal notice.
6. No administration or referencing fees are to be charged to prospective tenants nominated by the council.
7. A bond is available from the council if required. Details of the bond are available from West Cheshire Homes' Private Landlord Service. The bond is set out with full terms and conditions in the 'Bond Agreement' document which all parties sign prior to the commencement of the tenancy.
8. Guarantor provision is not undertaken by the council. A potential tenant not being able to provide a guarantor is not an acceptable reason for a landlord to be released from nomination rights.

9. Nomination rights will be provided to the council for the full 5 years grant condition period. Tenants will be put forward by the West Cheshire Homes team within 28 days of certified practical completion, or from notification that a previous tenancy will be ending. Should suitable tenants not be found within 28 days from either the commencement of the grant condition period, or the termination of a previous tenancy during the grant condition period, the landlord will be released from nomination rights. However, if any subsequent private market tenancy ends within the 5 years grant condition period, the council will again assume nomination rights to that property. The landlord must advise West Cheshire Homes` Private Landlord Service in writing of any such vacancy at the earliest opportunity.
10. West Cheshire Homes will offer the landlord up to three prospective tenants. The landlord must accept one of these offers. Failure to do so will require immediate repayment of Grant.
11. It is a condition that if at any time within the grant condition period the council serves notice on the owners of the premises requiring them to do so, they will supply the council with a statement showing how the condition of providing council nominated tenants is being fulfilled.

5. General

5.1 Equality and diversity

This policy produces significant positive outcomes for vulnerable groups, particularly older people and those with disabilities. It reduces inequalities experienced by these groups in respect of health, housing and income. An equality analysis has been carried out as part of the development of this policy and is available upon request.

The council aims to continuously improve the quality of our services for our residents and are committed to giving an equal service to all members of the public regardless of their race, colour, nationality, ethnic origin, gender, gender reassignment, marital status, sexual orientation, disability, age, religion/belief, social or economic status, or political beliefs.

The council has arrangements in place to help people who may have difficulty accessing our services. The council can help with translation, interpretation and provide information in a variety of formats such as large print, braille and audio.

For more information about access or equality, please contact:

Strategic Housing and Commissioning,
Council Offices,
4 Civic Way,
Ellesmere Port,
Cheshire,
CH65 0BE.
Tel: 0151 356 6493

Or email: privatehousing@cheshirewestandchester.gov.uk

5.2 Appeals and applications for assistance outside the policy

Although this policy will be the primary consideration in determining applications for assistance, all such applications shall be dealt with on an individual basis, based on the merits of each particular case. The council will not refuse to consider an application that falls outside this policy. It is recognised that there will always be exceptional circumstances and these cases will be considered by a management panel.

Any person wishing to request a review of a decision made under this policy, or make an application for assistance outside this policy, should initially write with full details to the:

Housing Policy and Strategy Manager,
Strategic Housing and Commissioning,
Council Offices,
4 Civic Way,
Ellesmere Port,
Cheshire,
CH65 0BE.

5.3 Comments, compliments and complaints

The council is committed to providing high quality and accessible services and welcomes any queries or suggestions about this policy. You can detail any comments in writing using the above address or you can email: privatehousing@cheshirewestandchester.gov.uk

The council's "Comments, Compliments and Complaints" scheme sets out how customer feedback will be dealt with. Where you believe the council has failed to provide the level of service expected, a complaint can be made through this procedure via the councils website at

www.cheshirewestandchester.gov.uk. Or you can contact the council by letter or telephone at:

Cheshire West and Chester Council
Solutions Team
HQ
58 Nicholas Street
Chester
CH1 2NP
Telephone: 0300 123 8 123

Appendix

Appendix A – Decent Home Standard

The Decent Home Standard is the Government's standard for housing. Whilst not enforceable in law, the council uses it as a target for the standard of accommodation in the borough. The definition of a decent home is one which meets the four following criteria:

A) It meets the current minimum standard for housing

Dwellings below this standard are those defined as having category one hazards under section 2 of the Housing Act 2004.

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.

D) It provides a reasonable degree of thermal comfort

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

Appendix B – Home assistance risk assessment scoring

| Factors | Criteria | Points awarded |
|----------------------------|---|----------------|
| Age of occupants | 15 years or less 65 years or over 15 years or less and 65 years or over | 5 10 20 |
| Vulnerable benefits | Income Support, Employment Support Allowance, Housing Benefit, Council Tax reduction, income based Jobseekers Allowance, Attendance Allowance, Disability Living Allowance, Child Tax Credit or Working Tax Credit (less than £15,050 income), Pension Credit, War disablement Pension, Industrial Injuries Disablement Pension | 20 |
| Medical condition/mobility | Incapacity benefit, DLA, War Disablement pension, industrial injuries disablement pension If enquiry linked to Disabled Facilities Grant | 5 10 |
| Heating | Partial central heating/individual room heaters No heating / fixed heating only in lounge Inadequate insulation | 5 10 5 |
| Dampness | Affects several rooms (tide marks/ peeling paper etc) Evidence of mould/crumbling plaster/dry rot | 5 10 |
| Electrical Installation | Installation over 30 years old/visible damage/fault Electrical report indicating serious faults | 5 10 |
| Accidents, Trips and Falls | Known problems – slips and falls etc Accident occurred due to house condition in last 12 months | 5 10 |
| Very poor conditions | Imminent risk to health, serious structural problems, serious overcrowding | 20 |

Appendix C – Works eligible for Disabled Facilities Grant

Section 23 Housing Grants, Construction and Regeneration Act 1996 sets out the purposes for which a grant must be approved, which can be summarised as follows:

- a) facilitating access to the home;
- b) making the home safe;
- c) facilitating access to a room used or usable as the principal family room;
- d) facilitating access to, or providing for, a room used or usable for sleeping;
- e) facilitating access to, or providing for, a lavatory, or facilitating the use of a lavatory;
- f) facilitating access to, or providing for, a bath or shower (or both), or facilitating the use of such;
- g) facilitating access to, or providing for, a room in which there is a washbasin, or facilitating the use of such;
- h) facilitating the preparation and cooking of food by the disabled occupant;
- i) improving any heating system in the home to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling, or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet their needs;
- j) facilitating the use of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- k) facilitating access and movement by the disabled occupant around the home in order to enable them to care for a person who is normally resident there and is in need of such care; and
- l) such other purposes as may be specified by order of the secretary of state.
- m) Local authorities are also required to fund works which facilitate a disabled occupant's access to and from a garden or works which make access to a garden safe for a disabled occupant.

Appendix D – Definition of a disabled person

Section 100 of the Housing Grants, Construction and Regeneration Act 1996 defines a disabled person as follows:

- (1) For the purposes of this Part a person is disabled if –
 - (a) their sight, hearing or speech is substantially impaired,
 - (b) they have a mental disorder or impairment of any kind, or
 - (c) they are physically and substantially disabled by illness, injury, impairment present since birth, or otherwise.
- (2) A person aged eighteen or over shall be taken for the purposes of this Part to be disabled if:
 - (a) they registered in pursuance of any arrangements made under section 29(1) of the [1948 c. 29.] National Assistance Act 1948 (disabled persons' welfare), or

(b) they are a person for whose welfare arrangements have been made under that provision or, in the opinion of the social services authority, might be made under it.

(3) A person under the age of eighteen shall be taken for the purposes of this Part to be disabled if:

(a) they are registered on a register of disabled children maintained under paragraph 2 of Schedule 2 to the [1989 c. 41.] Children Act 1989, or

(b) they are, in the opinion of the social services authority a disabled child as defined for the purposes of Part III of the [1989 c. 41.] Children Act 1989 (local authority support for children and their families).

(4) In this Part the “social services authority” means the council which is the local authority for the purposes of the [1970 c. 42.] Local Authority Social Services Act 1970 for the area in which the dwelling or building is situated.

(5) Nothing in subsection (1) above shall be construed as affecting the persons who are to be regarded as disabled under section 29(1) of the [1948 c. 29.] National Assistance Act 1948 or section 17(11) of the Children Act 1989 (which define disabled persons for the purposes of the statutory provisions mentioned in subsections (2) to (4) above).

Appendix E – Glossary of terms

Category 1 Hazard: Under the Housing Health and Rating System, scores in excess of 1000 are banded A, B, or C and are classified as category 1 hazards. The council has a duty to take action to remove or reduce the risks for category 1 hazards. Hazards scoring 999 or less are classified as category 2 hazards and the council has discretion to take action in such cases.

Cheshire Landlord Accreditation Scheme: A voluntary scheme operated by the council and partner authorities available to private landlords and letting agents which recognises good management practices and encourages professionalism and improvement of property standards in the private rented sector.

Decent Home Standard: The Government’s target standard for housing in England. See appendix B for details.

Disabled Facilities Grant (DFG): A grant to fund alterations to a disabled person's home to improve access, and help them move around within their home freely and safely. Also, to assist them to use essential facilities such as kitchens and bathrooms and services within the home, so that occupants with disabilities can manage as independently as possible. Adaptations of a minor nature (eg provision of a handrail, flashing doorbell, ramp etc.), are dealt with outside of this Policy. Works costing in excess of £1,000 are classed as a major adaptation and can be processed as a Disabled Facilities Grant. If you consider you need a disabled adaptation, we will ask an occupational therapist from Adult Social Care and Health to assess whether or not you

meet the criteria for a Disabled Facilities Grant and that the proposed works will meet your needs.

Empty Home definition: A home is classified as being empty when it is no longer a person's primary residence, is unfurnished and has been verified as being empty using council tax data.

Equity Loan: The council lends home owners money for property improvements/repairs in exchange for a share in the value of the property (Decent Homes Loan). There are no regular repayments or interest added to the loan. The council recovers its money when the property is sold or transferred to a new owner. Example: If the unimproved value of the property is £100,000 and the cost of the works required is £10,000, the council will take a 10% share of the value of the property (although not a "share" of ownership), repayable when the property is sold.

Family member: (of the applicant): Husband, wife, person living with the applicant as wife or husband, son, daughter, step-son, step-daughter, and son-in-law, daughter-in-law, parent, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, whether the relationship is by blood or marriage.

Housing Health and Safety Rating System (HHSRS): Introduced by the Housing Act 2004. This is the primary method of assessing housing conditions. A dwelling is assessed for hazards that may present potential harm to occupants and visitors across 29 categories. Individual hazards are given a score by reference to a prescribed method of calculation to indicate their severity.

Home Improvement Agency (HIA): an organisation that works in partnership with the council to provide advice and assistance with adaptations, improvements and repairs for older and vulnerable people.

House in Multiple Occupation (HMO): - covers most types of accommodation where there are groups of people living together who do not constitute a family and where these people share amenities and/or common entrance.

Loan Assessment: By law, to enable you to decide whether the offer of a loan is suitable for you, the council must give you certain information about the loan and relevant procedures. This information is included in the 'customer information document'.

OT: Occupational Therapist - assesses client's needs for disabled adaptations.

Owner's interest: owning the freehold of the property or having it on a tenancy of which not less than five years remain unexpired at the date of the application.

Priority 1 DFG Adaptation: A referral for a Disabled Facilities Grant where the service user requires independent or safe access to essential facilities and to the property and are at immediate high risk (or carer) needing alternative care arrangements until/unless work is completed.

Priority 2 DFG Adaptation: A referral for a Disabled Facilities Grant where the service user requires independent or safe access to essential facilities and to the property without which there will be a potential breakdown of the current situation in the near future or long term.

Private Landlord Service: An advice and support service delivered by West Cheshire Homes that aims to provide a range of services for landlords whilst also improving access to the private rented sector for customers on the council housing waiting list.

Reasonable and practicable assessment: This is a legal requirement and must be completed before a Disabled Facilities Grant can be approved. The property is inspected to check that the proposed works are technically feasible, that there are no other reasonable alternative solutions, and that there are no other health and safety issues in terms of the property condition.

Test of resources: This is an assessment of an applicant's ability to fund works themselves and determines if a contribution has to be made towards the financial assistance offered by the council. It is carried out in accordance with the Government regulations for mandatory Disabled Facilities Grants.

Vulnerable households: The Government definition of households who are in receipt of one of the following means-tested or disability related benefits:- Income Support; Income-based Job Seekers' Allowance; Income related Employment Support Allowance; Housing Benefit; Working Families Tax Credit; Disabled Person's Tax Credit; Disability Living Allowance, care component; Disability Living Allowance, mobility component; Industrial Injuries Disablement Benefit; War Disablement Pension, Attendance Allowance, Pension Credit, Child Tax Credit.

Accessing Cheshire West and Chester Council information and services

Council information is also available in audio, Braille, large print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter, please email us at:

equalities@cheshirewestandchester.gov.uk

Telephone: 0300 123 8 123

Textphone: 18001 01606 867 670

Email: **equalities@cheshirewestandchester.gov.uk**

Web: www.cheshirewestandchester.gov.uk