

City of Bradford Metropolitan District Council

Comprehensive Housing Renewal Policy

Department of Regeneration
Updated December 2016



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1.0 LEGISLATIVE PROVISIONS AND AIMS

- 1.1 This policy is intended to provide a vehicle through which the Council and its partners can facilitate housing renewal within the district.
- 1.2 The policy is drafted having in mind the legislative requirements of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (the RRO 2002).
- 1.3 The RRO 2002 makes repeals and amendments to amongst other legislation the Housing Act 1985 (The 1985 Act), The Local Government Act 1988, (The 1988 Act), The Local Government and Housing Act 1989 (the 1989 Act) and the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act) .
- 1.4 Local authorities have extensive statutory duties and powers to intervene where they consider housing conditions are unacceptable. These include:
- Declaration of renewal areas;
 - Disabled Facilities Grants;
 - Enforcement activity (e.g. to remedy unfitness, to repair, demolish or close unfit dwellings);
 - Slum clearance;
 - Compulsory purchase orders.
- 1.5 The above statutes and regulations make provision for financial and other assistance for or in connection with the improvement, repair and renovation of housing but the RRO 2002 provides new general powers to give assistance and provides local authorities with a much greater degree of flexibility in devising both its strategy for dealing with poor housing conditions and in the policy tools available.
- 1.6 Within this context the overall strategic aim of this policy is to develop a variety of mechanisms to facilitate and deliver advice, support and assistance to give the people of the Bradford District the opportunity to obtain decent housing, with priority being given to the most vulnerable.
- 1.7 Those principles form a framework that will continue to evolve as existing commitments are fulfilled and valuable local, regional and national research informs future policy development.
- 1.8 This policy intends to strike a balance for the Council between:
- Home owners maintaining and investing in their own properties
 - Levering in private investment wherever appropriate to supplement limited public resources
 - Public funds being used to assist the most vulnerable living in poor housing that is impacting detrimentally on their health
 - Effective targeting of resources to secure overall strategic objectives

- 1.9 In order to use the powers provided in the RRO the Council must approve and publish its Housing Renewal Policy.
- 1.10 Provisions relating to mandatory Disabled Facilities Grants, clearance and enforcement remain largely unchanged but must be included in this policy.
- 1.11 To acknowledge the need to make minor changes to policy over time with the minimum of disruption to its operation the Executive acknowledge that only future major changes will require its approval.
- 1.12 The Government's view is that it is primarily the responsibility of homeowners to maintain their own property. It is recognised however, that some homeowners, particularly the elderly and vulnerable, do not have the necessary resources to keep their homes in good repair and that Local Authorities have an important role in these cases to provide assistance.

2.0 LOCAL HOUSING CONDITIONS

- 2.1 The 2015 Private Sector Stock Condition Survey estimated that 16% of the District's private sector stock contained a Category 1 hazard when assessed using the Housing Health and Safety Rating System (HHSRS), with the most frequently occurring hazards being associated with falls and excess cold.
- 2.2 Analysis of the presence of Category 1 hazards by tenure shows that 14% (19,986) of owner occupied properties and 21% (8,291) of privately rented properties contain such hazards.
- 2.3 For the majority of people within the District owner occupation is the tenure of choice and provides decent housing that satisfies their needs and aspirations. From the Stock Condition survey we know that almost 120,000 homes do not contain a Category 1 hazard.
- 2.4 It is estimated that poor housing conditions are responsible for over 1,774 harmful events that require medical treatment every year. The estimated cost to the NHS of treating accidents and ill health caused by these hazards is £6.5m per year. If these hazards were mitigated the total annual savings to society are estimated to be £16.3m including £6.1m savings to the NHS.
- 2.5 The Private Sector Stock Condition Survey identified excess cold as one of the most frequently occurring hazards. It also estimated that fuel poverty affects 15% of owner occupiers and 28% of those in the private rented sector, with those considered most at risk being elderly and low income households. This underlines the need for an integrated approach to tackle poor housing conditions and energy efficiency.
- 2.6 A comparison with the results from the previous Stock Condition Survey undertaken in 2007 indicates that there has been an improvement in property conditions but that there are still significant issues with property condition in the private sector and, in particular, the private rented sector

3.0 THE LOCAL STRATEGIC CONTEXT

3.1 The importance of having decent homes that people can afford to live in is one of the six key objectives within the Council Plan. The fundamental principles of the Comprehensive Housing Renewal Policy contribute not only to the housing objective within the Council Plan but also more widely as:-

- Good quality housing attracts companies and workers - leading to an economically prosperous district
- Children and young people are better able to benefit from education if they are well housed – leading to a district of excellence in learning
- Good quality housing promotes community safety – leading to a safer place in which to live, work and play
- High quality, affordable, warm homes promote health and well being – leading to a healthy district

3.2 The Housing and Homelessness Strategy sets out the Council's approach to addressing house conditions and needs as well as contributing to other corporate and government priorities such as fuel poverty, equality and the environment through a series of associated Action Plans. Performance against the Action Plans is regularly monitored and targets included within the Plans are reviewed and updated on an annual basis.

4.0 THE POLICY DETAILS

The proposed Housing Renewal policy is based on three fundamental principles:

- The Needs of People for Improved Living Conditions- ('people')
- Sustainability
- Advice and Support

4.1 The Needs of People for Improved Living Conditions- 'People'

4.1.1 One of the main emphases in the RRO2002 is that the responsibility for maintaining a property must lie with its owner. It is accepted however that certain homeowners, particularly the elderly and the most vulnerable, may not have the necessary resources to keep their homes in good repair.

4.1.2 The 'people' element of the policy will provide support to the most vulnerable members of the community, utilising defined social and economic criteria to target resources.

4.1.3 The Council will allocate a proportion of its housing budget for the provision of assistance to these vulnerable groups. This allocation will be subject to resources being available from the Housing budget.

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4.1.4 Individuals who are found to be vulnerable using the defined criteria will be considered for assistance from the Council. The eligibility criteria and conditions of assistance are included at Appendix 1.

Assistance will be funded/resourced in the following priority order from:

- Firstly – the individual's own resources and savings (Savings will be assessed having regard to the current Regulations governing means testing, so disregarding the first £6000 of savings at the current time. Savings taken into account for these purposes will include any equity in property and/or investments).
- Secondly – Commercial loans based on the individual's ability to pay from income
- Thirdly – Through equity release – refer to Appendix 1
- Fourthly – through last resort grant assistance

Assistance will only be provided for defined health and safety priority works. The criteria for assistance is identified at Appendix 1.

4.2 **Sustainability**

4.2.1 The aim of this element of the policy is to create a more sustainable housing stock for the people of Bradford so making the district a more attractive place to live in line with the 2020 vision and the Community Strategy.

4.2.2 A sustainable housing stock will be created using a combination of:

- Area based activity
- Activity aimed at creating a more appropriate housing stock for the population of the Bradford District

4.2.3 The Council will allocate a proportion of its housing budget for the provision of assistance to create a more sustainable stock. This allocation will be subject to resources being available from the Housing budget.

4.2.4.1 **AREA BASED ACTIVITY**

- A programme of Clearance, Redevelopment, Group Repair following a Neighbourhood Renewal Assessment (N.R.A)
- A programme of Facelift Schemes and Environmental works within agreed priority areas
- Activity in line with the Local Investment Plan (L.I.P)

4.2.4.2 **A MORE APPROPRIATE HOUSING STOCK**

- Disabled Facilities Grants (D.F.G)
- Removal assistance for disabled people assessed as eligible for D.F.G.
- Relocation assistance for displaced households as a result of clearance or compulsory purchase activity undertaken by the Private Sector Housing service

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- Living Over The Shops (L.O.T.S) and conversion of non-domestic premises assistance
- Enforcement activity in line with the Council's Private Sector Housing Enforcement policy
- Action to Reduce the Number of Empty Homes
- Assistance to improve energy efficiency and reduce fuel poverty

4.3. **Area Based Activity**

a. A programme of Clearance, Redevelopment and Group Repair following a Neighbourhood Renewal Assessment (N.R.A)

The Local Government and Housing Act 1989 introduced guidance that the Council must have regard to when determining the most satisfactory course of action to take in respect of unfit dwellings.

This guidance refers to the Neighbourhood Renewal Assessment (N.R.A) procedure which enables the Local Authority to consider a range of options available to deal with unfit properties taking into account all costs, benefits and implications.

Having completed an N.R.A. the Local Authority will ensure that the option determined to be the most satisfactory course of action is facilitated, whether this be clearance, group repair or renovation. This will be incorporated into a programme of activity for the Authority.

Where clearance is determined to be the most appropriate course of action, enforcement activity will be taken in line with current legislation and the Private Sector Housing Enforcement Policy, as approved by Executive Committee 28.2.06.

Where group repair is determined to be the most appropriate course of action, assistance will be given to all owners of properties within the blocks concerned. Assistance will be given in line with the criteria utilised to facilitate group repair assistance (see Appendix 1).

Where renovation is determined to be the most appropriate course of action, assistance will be given to owners of properties to remedy the defects identified as making the property unfit subject to the conditions and eligibility criteria at Appendix 1.

This activity will be subject to resources being available from the Housing budget.

b. A Programme of Facelift Schemes and Environmental Works within agreed priority areas

Subject to the availability of resources the Local Authority may allocate a proportion of its housing budget to implement a programme of Facelift schemes and associated environmental works within agreed priority areas.

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Priority areas will only be determined following consideration of agreed criteria and following approval by the relevant Strategic Director.

The eligibility criteria and conditions of assistance are included at Appendix 1.

4.4 **A More Appropriate Housing Stock**

a. Disabled Facilities Grants (DFG)

The legislation for providing mandatory D.F.G assistance remains largely unchanged as the legislation regulating this assistance remains.

Mandatory Assistance

Mandatory assistance can be provided up to the statutory maximum grant to enable disabled people to live independently in their own homes. Works that are required will be identified in consultation with Social Services and within the requirements of the Housing Grants, Construction and Regeneration Act 1996 (as amended).

Enquiries for D.F.G assistance, where the works are required to meet the needs of the disabled person, will normally be processed in order of date of initial enquiry to the Local Authority within the priority identified by the Occupational Therapist.

The Council has chosen to exercise its discretion to apply a local land charge for the provision of mandatory assistance in line with the Housing Grants, Construction and Regeneration Act 1996; Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

Discretionary Assistance

The Local Authority will allocate a proportion of its housing budget for the provision of discretionary D.F.G assistance. This allocation will be subject to resources being available from the Housing budget.

Discretionary assistance should only be available where the cost of the recommended works exceeds the maximum mandatory grant and where the grant applicant(s)/property owner(s) is assessed as being unable to fund the cost of the works or the additional costs themselves.

Grant applicants who are deemed to require discretionary disabled facilities assistance will be independently financially assessed to determine whether they can fund the required works to their property via the Council's loan assistance or other private funding. The cost of the required works will be funded/resourced in the following priority order:

- Firstly – the household's own resources and savings (Savings will be assessed having regard to the current Regulations governing means testing, so disregarding the first £6000 of savings at the current time. Savings taken

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into account for these purposes will include any equity in property and/or investments).

- Secondly – Commercial loans based on the individual's ability to pay from income
- Thirdly – Through equity release – refer to Appendix 1
- Fourthly – through last resort grant assistance

Where applicants are assessed as eligible to receive discretionary assistance this will normally be limited to a maximum of £25,000. Any recommended assistance in excess of this maximum will only be approved following individual case review by a Review Panel which will include 3 representatives appropriate to the case but will always include representatives from Occupational Therapy and Housing.

The eligibility criteria and conditions of assistance are included at Appendix 1.

b. Removal assistance for disabled people assessed as eligible for D.F.G.

The Local Authority will allocate a proportion of its housing budget for the provision of removal assistance for disabled people assessed as eligible for D.F.G. This allocation will be subject to resources being available from the Housing budget.

Removal assistance up to a maximum of £5000 per property will be made available to assist disabled households to move to a property that is more appropriate to their needs.

Removal assistance will normally be available where the adaptations required to assist the disabled person in their present accommodation are considered to be so complex or expensive that it would be more appropriate to assist the individual to find alternative permanent accommodation that already met their needs or could be more easily adapted to do so.

Removal assistance will only be available where the alternative accommodation has been approved as appropriate by the Occupational Therapist.

Individuals who receive removal assistance will still be eligible, where appropriate and necessary, to benefit from D.F.G assistance in their new accommodation.

Removal assistance will only be approved following individual case review by a Review Panel which will include 3 representatives appropriate to the case but will always include representatives from Occupational Therapy and Housing.

The eligibility criteria and conditions of assistance are included at Appendix 1.

c. Relocation Loan Assistance for Displaced Households as a result of Clearance Activity undertaken by the Private Sector Housing Service

The Local Authority will consider providing relocation loan assistance where it is undertaking clearance activity.

This assistance will be subject to resources being available from the Housing budget.

The eligibility criteria and conditions of assistance are included at Appendix 1.

d. Living Over the Shop (L.O.T.S) Assistance and Conversion of Non-Domestic Buildings into Residential Accommodation

The Local Authority will allocate a proportion of its housing budget for the provision of L.O.T.S assistance and the conversion of non-domestic dwellings into residential accommodation. This allocation will be subject to resources being available from the Housing budget.

Living Over the Shop (L.O.T.S) assistance can be made available using powers under the Local Government Act 1988 Section 24 to enable empty space within commercial premises to be converted into residential accommodation to provide good quality, rented homes for people to live in.

Criteria have been established for determining the value for money and financial viability of applicants' schemes and consideration must be given to those factors when determining whether to offer assistance.

Conditions attached to this assistance requires owners to offer the converted accommodation for rent at affordable rents for a period of ten years. Affordable rents will be determined in consultation with the Rent Officer Service.

The eligibility criteria and conditions of assistance are included at Appendix 1.

e. Enforcement Activity

The Private Sector Housing Service will continue to take action to maintain and improve housing conditions within the Bradford District in line with relevant legislation.

All activity will be taken in line with the Private Sector Housing Enforcement Policy, as approved by Executive Committee 28.2.06.

The Stock Condition Survey indicated that the poorest standards of accommodation were within the privately rented accommodation of the District. Due to the limited capacity of the service to address housing standards priority will normally be given to undertaking enforcement activity within the privately rented sector.

f. Action to Reduce the Number of Empty Homes

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The Housing Service will work with the owners of empty properties and other partner organisations to offer advice and guidance to encourage owners to bring empty properties back in to use.

All actions taken in to bring empty properties back into use or demolish them will be taken in line with current legislation and the Council's Empty Homes Delivery Plan.

Where it is found to be necessary to take enforcement activity in respect of empty properties all such actions will be taken in line with the Private Sector Housing Enforcement Policy, as approved by Executive Committee 28.2.06.

The Local Authority will offer a range interventions to encourage owners of long term empty properties back into use. These will include Empty Property Loans and Empty Property Assistance.

This assistance will be subject to resources being available from the Housing budget.

The eligibility criteria and conditions of assistance are included at Appendix 1.

g. Assistance to improve energy efficiency and reduce fuel poverty

The service will continue to work with partner organisations to address fuel poverty and improve the energy efficiency of homes within the Bradford district.

The Council is currently developing an Energy Repayment Loan (ERL) to assist vulnerable owner occupiers to access energy efficiency measures through the Better Homes Yorkshire (BHY) scheme.

The eligibility criteria and conditions of assistance are included at Appendix 1

Provision of such assistance will be subject to available resources.

4.5 Advice And Support

4.5.1 In line with the Housing and Homelessness Strategy Action plans the Council will continue to develop advice and support initiatives for owner occupiers, landlords and tenants of privately rented accommodation.

4.5.2 The Council will also continue to administer the statutory licensing scheme for Houses in Multiple Occupation (HMOs) and to support and promote the Unipol Code of Standards for student accommodation in order to improve standards within privately rented accommodation within the District.

5.0 GENERAL PROVISIONS

- 5.1 It is recognised that any policy is unlikely to take account of every individual situation. Each case therefore needs to be considered on its merits. This policy will act as the guide for officers. In cases where officers consider that a decision should be made outside this policy, they will first refer the matter to the relevant Strategic Director who will consider all of the information prior to making a decision.
- 5.2 Financial assistance would not normally be available to improve, adapt or repair living accommodation of Registered Social Landlords (RSL) on the basis that:
- Information from the Stock Condition Survey 2015 shows that very few RSL properties are unfit and that this stock is in relatively good condition compared to the private sector
 - RSLs should have robust business plans which will ensure their properties achieve relevant statutory standards
 - The Council does have recourse to enforcement action in line with its Private Sector Housing Enforcement Policy
- 5.3 The only exception to this provision will be in the provision of assistance through mandatory disabled facilities grant. Applications for assistance will be considered from RSL tenants. However in such instances the Council will expect the RSL to have explored all alternative solutions, including funding the adaptation from within its own capital programme before attempting to use scarce public resources.
- 5.4 The Council will normally only provide financial assistance for home energy efficiency measures as part of grant assistance where an individual has been shown to be unable to obtain the identified works through the Government's energy schemes.
- 5.5 The expenditure programme will be determined annually having regard to the capital resources and revenue/staff resources available.

6.0 SERVICE DELIVERY ISSUES

- 6.1 This policy framework has reshaped the use of the capital programme for housing renewal, from one based around grant assistance to one where public resources are used to provide support for homeowners to raise their own private finance or to unlock equity in order to achieve decent homes.
- 6.2 Government guidance encourages Local Authorities to consider the use of loans and equity release schemes as part of their Housing Renewal toolkit. The Council will continue to work with the other partners to develop new products and approaches relevant to the people and district of Bradford.

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- 6.3 The move towards a system where homeowners increasingly use their own finances to support housing renewal will encourage them to take more responsibility but also give them increased choice and control.
- 6.4 It is important that the Council is not exposed to liability resulting from individuals taking out inappropriate financial products. Therefore the Council will guide individuals towards independent financial advisors and will not provide financial advice itself.
- 6.5 Delivery of any new services would be carried out wherever possible with local partners but it is still anticipated that such new initiatives will have staffing/resource implications for the Private Sector Housing service. In view of this the service will continue to bid for additional resources in order to achieve strategic objectives.

7.0 PROCESSES AND PROCEDURES

- 7.1 The processes and procedures involved in the implementation of the Housing Renewal Policy are included as Appendix 2.
- 7.2 These include;-
- The Complaints procedure
 - The Appeals procedure.

APPENDIX 1

A .PEOPLE

A.1 Assistance with Health and Safety Works

1.0 Introduction

1.1 This assistance will be used to support the most vulnerable members of the community using defined social and economic criteria to target resources.

1.2 This assistance can also be used to support those vulnerable members of the community where one member of the household is proven to be suffering from one or more of the following chronic health conditions which is affecting their daily living and which has been confirmed by a health professional:

- Coronary Heart Disease
- Cerebrovascular Accident
- Peripheral Vascular Disease
- Diabetes – long term, poorly managed (would not include diet controlled), treated with medication
- Chronic obstructive pulmonary disease
- Children with life limiting or chronic diseases.

1.3 Vulnerable households will contain one or more individuals who meet **at least one** of the following criteria:

The homeowner will have a low income including one or more of the following:

- Means tested benefits **or**
- Gross income below £25,000 only (savings in excess of the amount specified in the current means testing Regulations will be considered to be available to fund the works i.e. currently £6,000. Savings taken into account for these purposes will include any equity in property and/or investments).

1.4 Individuals who are deemed to be vulnerable using the above criteria will be eligible for assistance from the local authority providing that the applicant is unable to finance a mortgage or loan to fund the works via the Council's Loan Assistance or other private funding as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

It is important that the Council is not exposed to liability resulting from individuals taking out inappropriate financial products. Therefore the Council will guide individuals towards independent financial advisors and will not provide financial advice itself.

Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital

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for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance.

- 1.5 Where applicants are able to access their own funding via the Council's Loan Assistance the Council will pay the set up fees to facilitate the funding (up to a maximum of £1000).
- 1.6 Applicants able to access their own funding will be encouraged to bring their properties up to a decent standard.
- 1.7 The Health and Safety Assistance will be limited to one per property and be subject initially to a maximum of £5,000 (excluding V.A.T). This amount to be reviewed annually by the Director.
- 1.8 Enquiries for Health and Safety Assistance will be dealt with in date order of receipt of eligible enquiry within the appropriate service delivery team except for those eligible enquiries relating to potentially hazardous situations.
- 1.9 Applications for repairs will normally only be considered from owners for properties which have not received any financial assistance for repairs administered by the local authority under current policy or previous legislation within the last 10 years.
- 1.10 Applications will only be considered for properties, which have been built at least 10 years prior to the application being made.
- 1.11 The Council will not entertain an application for Health and Safety Assistance if the property is part of a commercial premise ie a flat located above a shop, unless the ownership of the dwelling is separate to the commercial premise, there is a separate entrance to the dwelling that does not involve accessing the commercial premise and that all services are supplied separately to each premise.
- 1.12 All work carried out will be to the Council's specification. Eligible work is that deemed so by the Council.

2.0 Eligible Works

- 2.1 Assistance with health and safety works funded through either the Council's loan assistance or Health and Safety Assistance will be allocated in accordance with the following priorities and cover the works listed:

Priority 1

Eliminate or reduce Category 1 hazard to Category 2 or below.

Outside water closet where none exists internally.

Lack of an effective central heating system to the main habitable rooms where the applicant is not eligible for other government energy initiatives.

Priority 2

Category 2 hazards

Other additional works considered necessary to relieve the client's chronic health condition (where appropriate) in order of priority given by the Council's health practitioner

Priority 3

General repairs found to be affecting the health of the occupiers.

Where a Category 1 hazard associated with Overcrowding and Space is identified, homeowners will first be made aware of the situation and encouraged to accommodate their household in alternative accommodation more suitable to their needs. Where this is accepted as an unviable alternative, assistance will only be given to alleviate the hazard within the confines of the existing fabric and structure of the building.

3.0 Application

- 3.1 The Council will not entertain an application for Health and Safety Assistance unless they are satisfied that the applicant is unable to finance a mortgage or loan to fund the works via the Council's Loan Assistance or other private funding as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

(Where the local authority is provided with information from the Independent Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating, the local authority will have the discretion to refuse the application for assistance)

And

- a) that an applicant is aged 18 or over on the date of application
- b) that the applicant lives in the dwelling as their only or main residence
- c) that the applicant has an owners interest (as defined by section 101 Housing Grants Construction and Regeneration Act 1996) in the dwelling alone or jointly with others

And

- d) The applicant is in receipt of a means tested benefit, income support or income based job seekers allowance or working tax credit with an income of less than £15050 **or**
- e) Has a gross income of less than £25,000 p.a. discounting savings of £6000. Savings taken into account for these purposes will include any equity in property and/or investments).

- 3.2 No assistance shall be paid unless an application for it is made to the Council and approved by them.
- 3.3 An applicant will normally be required to submit two competitive estimates for the work and must not start work until agreement is received from the local authority.
- 3.4 A certificate of title is required to confirm ownership signed by a Solicitor, Bank or Building Society or sight of the deeds of the property, certifying the applicant's ownership.
- 3.5 Where a household has one or more individuals living there who suffer from a chronic health condition specified at Paragraph 1.2 (above) which is affecting their daily living, this will need to be confirmed by a health professional.

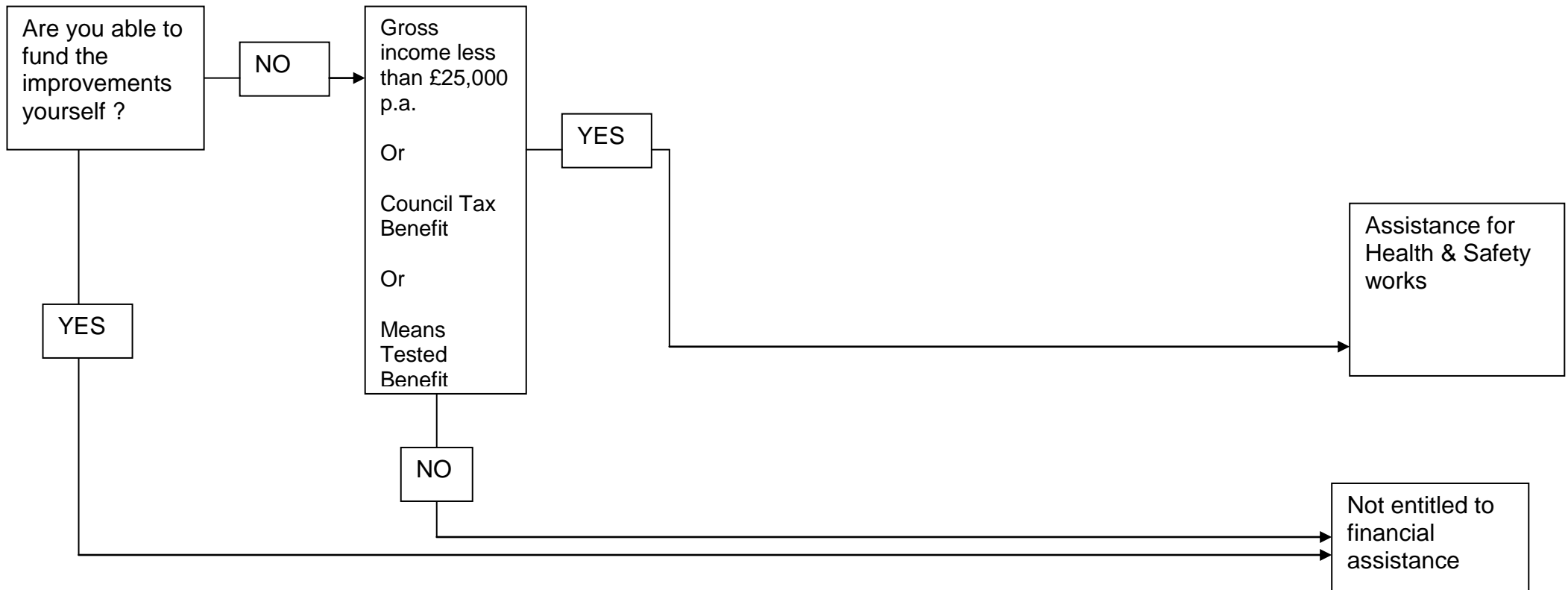
4.0 Approval

- 4.1 The applicant will be notified in writing specifying the amount of assistance available and the eligible works and advising of the conditions. The total cost of the eligible works will normally be based on the Local Authority's assessed costs.
- 4.2 It is a condition of the assistance that the eligible works are carried out within 3 months from the approval date or such further period as agreed by the local authority.
- 4.3 Eligibility does not confer entitlement to assistance. Priority will be given having regard to available resources and individual circumstances.

5.0 Completion and Payment

- 5.1 The payment of grant is conditional on the works being executed to the satisfaction of the local authority or its agents and on receipt of an acceptable invoice, demand or receipt for payment of the works.
- 5.2 Payment will be made direct to the contractor unless a receipted invoice is received then payment will be made to the applicant. In cases of dispute where the work is not to the satisfaction of the applicant, but the local authority is satisfied, the payment will be made to the applicant.

APPENDIX 1(A) Assistance for Health & Safety Works



B. SUSTAINABILITY

Area Based Activity

B1 Group Repair Scheme Assistance

1. Introduction

1.1 Group Repair (GR) Scheme Assistance will be available:

- (i) to blocks of properties identified by the Council as those being in the worst condition by use of an established Group Repair Prioritisation Procedure, and included in the Council's Group Repair Programme and where GR is determined to be the most satisfactory course of action following an NRA carried out by the Council, **or**
- (ii) where group repair is determined to be the most satisfactory course of action for a block of properties at any location in the district following a Neighbourhood Renewal Assessment carried out by the Council.

1.2 Group Repair Schemes (GRS) allow the external fabric of a group of houses to be renovated at the same time, under one contract, let and supervised by the Council, so that they are left in reasonable repair and structurally stable on completion of the works.

2. Eligibility Criteria

2.1 To be eligible for GR assistance the block of properties must include at least two qualifying buildings.

2.2 A building can be included in a GRS if:

- (a) The whole or some part of the exterior of the building is not in reasonable repair, or
- (b) The whole or some part of the building is unstable.

2.3 Each scheme must contain at least one "primary" building which, as well as meeting one or other of the above two conditions, must comprise at least TWO dwellings. Since a building can be part of a terrace as well as the whole block, two houses or flats in a terrace would fulfil the criteria.

2.4 Additional buildings can also be included in a scheme if:

- (a) Each building comprises at least one dwelling; and
- (b) Carrying out the works to the building and the primary building at the same time is the most effective way of securing the repair or structural stability of each of them.

2.5 Should 25% or more of the owners of properties in disrepair in a scheme fail to give their consent to participate in the scheme then the scheme should normally be discounted. A decision not to proceed with GR will be made by the Assistant Director with responsibility for Housing

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- 2.6 A property which is for sale cannot be included in a scheme. The property would have to be taken off the market and the owner agrees to occupy the property for 12 months following completion of the works. Where a property changes hands during the life of the GRS scheme a new owner may be considered for participation providing the works have not been completed.
- 2.7 An owner who is out of the country may agree to participate in a scheme using a Power of Attorney. This should be in the form of a document stamped and therefore verified by a "Notary Public" or solicitor in either this country or the country where the owner is residing at the time.
- 2.8 A block of properties may include properties that are the subject of Rental Purchase. This is an agreement whereby a purchaser will occupy the property while making weekly/monthly payments for a number of years (typically 11) to a company, at the end of which he/she becomes the owner. For the duration of the agreement the owner of the property is the vendor, and the purchaser only becomes the registered owner after the final payment. Legal precedent dictates that such properties are eligible for inclusion in a Group Repair Scheme.
- 2.9 Commercial premises such as shops, offices or garages may also be included if they are part of a qualifying building and their inclusion is necessary to give satisfactory visual or structural effect to other scheme works. Owners would be treated as non-assisted participants and would have to pay for the full cost of the works.
- 2.10 **Group Repair Eligible Works**
- Eligible works can include any necessary works to the exterior part of the building, that is to say any part which is exposed to the elements i.e. Roofs, chimneys, walls, doors, windows, rainwater goods and external pipe-work. NB. For cavity walls, works to both the inner and the outer skin can be regarded as eligible works if the outer skin faces the open air.
- 2.11 Works can also be carried out to repair retaining walls within the curtilage of the building and to make good internal works where the Council determines that damage has been caused by doing the external works. E.g. re-plastering, loft insulation, etc.
- 2.12 It is not expected that the Council's limited resources should be used to repair or replace such structures that are not part of the habitable dwelling.
- 2.13 Where the owner of a property does not consent to participate in the scheme or is not eligible, "linking works" can still be carried out to the property but only if they are necessary to satisfactorily complete works to another building which is participating in the scheme, or the absence of the works would materially detract from the environmental appearance of a completed scheme.

3 Applications and Approvals

- 3.1 The Council shall not entertain participation in a Group Repair Scheme unless they are satisfied:
- a) that an applicant is aged 18 or over on the date of application,
 - b) that the applicant has an owners interest (as defined by section 101 Housing Grants Construction and Regeneration Act 1996) in the dwelling alone or jointly with others,
 - c) that the applicant agrees to keep the property in their ownership and occupied for a period of 12 months following completion of the work,
 - d) that a certificate of title has been provided to confirm ownership signed by a Solicitor, Bank or Building Society or sight of the deeds of the property indicating the applicant's ownership.
- 3.2 Participants will normally receive assistance for the full cost of the works.
- 3.3 Once a formal decision has been made that a GRS is to proceed the local authority enters into a contract with each participating owner authorising the Council to carry out the agreed works. Consent from all participants is required to enable any scheme to proceed.
- 3.4 The Local Authority is responsible for initiating group repair schemes, which includes the necessary arrangements for execution and payment for works.
- 3.5 GRS may be varied at any time before the completion date. The variation may relate to the participants, the buildings, the works or any other matter.
- 3.6 The owner of a property must consent in writing to linking/environmental works being carried out even though they have not agreed to participate in the GRS.
- 3.7 The costs of linking works are borne by the Local Authority.
- 3.8 In the case of properties subject to a Rental Purchase Agreement the owner (vendor) of the property is required to complete one form - a proof of ownership - and provide a copy of the Rental Purchase Agreement to demonstrate the applicant for the grant is the signatory for the Rental Purchase Agreement. Provision of these items is considered consent for the grant to proceed.

4. Completion and Conditions

- 4.1 When the works specified in a group repair scheme have been completed the Council will notify each participant of the date on which the works were completed to the authority's satisfaction.
- 4.2 It is a condition of receiving group repair assistance that no further assistance for repairs will be available for a period of 10 years following the certified date of completion of the works.
- 4.3 If an assisted participant wishes to withdraw their property from the scheme at any time after signifying scheme consent the owner must pay on demand any costs to the Council in connection with the GRS in relation to their property. Notification to withdraw from the scheme must be given in writing.

- 4.4 If the owner sells the property at any time up to one year after completion of the works this will be considered a breach of a condition and the owner for the time being of the dwelling or house shall pay to the Local Housing Authority on demand an amount equivalent to the increase in market value of the property attributable to the Group Repair works, as determined by the Local Housing Authority (Asset Management Department).
- 4.5 This condition is a local land charge, which is also binding on anyone who takes over ownership of the property if the obligation has not already been discharged.
- 4.6 The local authority may determine not to demand payment or to demand a lesser amount. Any person who feels aggrieved by the demand can access the Council's appeals process outlined in Appendix 2.
- 4.7 The conditions cease to apply once the amount has been paid or any demand for payment has been satisfied.

B2 Renovation Assistance

1. Introduction

- 1.1 Renovation assistance will only be given as a direct result of an (Neighbourhood Renewal Assessment) (NRA) carried out by the local authority as part of a programme of area based work. The programme will be determined using the local authority prioritisation process for NRA's and will be implemented subject to available resources.
- 1.2 Renovation Assistance will be limited to works to make a property free from Category 1 hazards. Reference to be made to the Statutory Guidance in relation to the Housing Health and Safety Rating System (HHSRS).
- 1.3 The owner of the property will be financially assessed to determine whether they are able to fund the works themselves as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.
- 1.4 Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance.
- 1.5 Assistance will normally be limited to £50,000 per property.

2. Applications and Approvals

- 2.1 The Council will not entertain an application for Renovation Assistance unless they are satisfied that the applicant is unable to finance a mortgage or loan to fund the works via the Council's Loan Assistance or other private funding as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

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(Where the local authority is provided with information from the Independent Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating, the local authority will have the discretion to refuse the application for assistance)

- a) that an applicant is aged 18 or over on the date of application
- b) that the applicant lives in the dwelling as their only or main residence.
- c) that the applicant has an owners interest(as defined by section 101 Housing Grants Construction and Regeneration Act 1996) in the dwelling alone or jointly with others
- d) That the applicant agrees to keep the property in their ownership and occupied for a period of 12 months following completion of the work.

2.2 No assistance shall be paid unless an application for it is made to the local housing authority and approved by them.

2.3 An application shall be in writing and shall specify the premises to which it is related and contain-

- a) particulars of the works in respect of which the assistance is sought
- b) an estimate of the cost of the works
- c) particulars of any preliminary or ancillary services and charges in respect of the cost of which the assistance is sought

2.4 A certificate of title is required to confirm ownership signed by a Solicitor, Bank or Building Society or sight of the deeds of the property indicating the applicant's ownership.

2.5 The owner must sign a certificate agreeing to keep the property occupied and in their ownership for 12 months following the completion date of the works and this is to accompany their application.

2.6 The local housing authority may approve renovation assistance if they are satisfied that the works will make the house free from Category 1 hazards.

2.7 The amount of assistance shall be determined by the local housing authority having regard to the eligible expense of the recommended works to make the house free from Category 1 hazards, reduced by the amount of funds/loan which the applicant has been assessed as being able to raise.

3. Completion and Conditions

3.1 It is a condition of the assistance that the eligible works are carried out within 12 months from the approval date or such further period as agreed by the local authority.

3.2 The payment of assistance is conditional on the works being executed to the satisfaction of the local authority and on receipt of an acceptable invoice, demand or receipt for payment of the works.

3.3 Payment will be made direct to the contractor unless a receipted invoice is received then payment will be made to the applicant. In cases of dispute where the work is not to the satisfaction of the applicant, but the local authority is satisfied, the payment will be made to the applicant.

- 3.4 The condition re occupation and ownership for 12 months is a local land charge and comes into force on the completion date of the works. It is binding on any person who for the time being is the owner of the dwelling or house.
- 3.5 In the event of a breach of a condition the owner for the time being of the dwelling or house shall pay to the local housing authority on demand the increased value attributable to the renovation works, of the property following improvement as determined by the local housing authority.
- 3.6 The local authority may determine not to demand payment or to demand a lesser amount. Any person who feels aggrieved by the demand can access the Council's appeals process outlined in Appendix 2.
- 3.7 It is a condition of receiving renovation assistance that all the works must be delivered through the Council's In House Agency Service.
- 3.8 It is a condition of receiving renovation assistance that no further assistance for repairs will be available for a period of 10 years following the date of completion of the works.

B3 Facelift Assistance

1. Introduction

- 1.1 Facelift Assistance will be available to improve the external appearance of blocks of properties within areas identified by the Council.
- 1.2 Facelift Schemes allow elements of the external fabric of a group of houses to be renovated at the same time, under one contractual arrangement, agreed, let and supervised by the Council.
- 1.3 Facelift schemes are intended to improve the aesthetic appearance of a block of properties as part of a programme to improve housing market conditions within areas.

2. Eligibility Criteria

- 2.1 To be eligible for Facelift assistance the block of properties must include at least two qualifying buildings.
- 2.2 Each scheme must contain at least one "primary" building which, as well as meeting one or other of the above two conditions, must comprise at least TWO dwellings. Since a building can be part of a terrace as well as the whole block, two houses or flats in a terrace would fulfil the criteria.
- 2.3 Additional buildings can also be included in a scheme if:
 - (a) Each building comprises at least one dwelling; and
 - (b) Carrying out the works to the building and the primary building at the same time is the most effective way of securing the repair or structural stability of each of them.

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- 2.4 Should 25% or more of the owners of properties in a scheme fail to give their consent to participate in the scheme then the scheme should normally be discounted. A decision not to proceed with facelift will be made by the Head of Service, Housing.
- 2.5 An owner who is out of the country may agree to participate in a scheme using a Power of Attorney. This should be in the form of a document stamped and therefore verified by a "Notary Public" or solicitor in either this country or the country where the owner is residing at the time.
- 2.6 A block of properties may include properties that are the subject of Rental Purchase. This is an agreement whereby a purchaser will occupy the property while making weekly/monthly payments for a number of years (typically 11) to a company, at the end of which he/she becomes the owner. For the duration of the agreement the owner of the property is the vendor, and the purchaser only becomes the registered owner after the final payment.

Legal precedent dictates that such properties are eligible for inclusion in a Facelift Scheme.

- 2.7 Commercial premises such as shops, offices or garages may also be included if they are part of a qualifying building and their inclusion is necessary to give satisfactory visual or structural effect to other scheme works.
- 2.8 Facelift Eligible Works

Eligible works will normally only include any necessary works to:

- Rainwater pipes and eaves gutters
- Boundary walls
- The provision of gates to yard areas (where appropriate)
- Low pressure stone cleaning to properties (where appropriate)
- Roof
- Chimneys

- 2.9 It is not expected that the Council's limited resources should be used to repair or replace such structures that are not part of the habitable dwelling.

3. Applications and Approval

- 3.1 The Council shall not entertain participation in a Facelift Scheme unless they are satisfied:
- a) that an applicant is aged 18 or over on the date of application,
 - b) that an applicant has an owners interest (as defined by section 101 Housing Grants Construction and Regeneration Act 1996 (as amended)) in the dwelling alone or jointly with others,
 - c) that a certificate of title has been provided to confirm ownership signed by a Solicitor, Bank or Building Society or sight of the deeds of the property indicating the applicant's ownership.
- 3.2 Once a formal decision has been made that a facelift scheme is to proceed the Council will enter into a contract with each participating owner authorising the

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Council to carry out the agreed works. Consent from all participants is required to enable any scheme to proceed.

- 3.3 In the case of properties subject to a Rental Purchase Agreement the owner (vendor) of the property is required to complete one form - a proof of ownership - and provide a copy of the Rental Purchase Agreement to demonstrate the applicant for the grant is the signatory for the Rental Purchase Agreement. Provision of these items is considered consent for the grant to proceed.
- 3.4 The Council is responsible for initiating facelift schemes, which includes the necessary arrangements for execution and payment for works.
- 3.5 Facelift may be varied at any time before the completion date. The variation may relate to the participants, the buildings, the works or any other matter.

4. Completion and Conditions

- 4.1 When the works specified in a Facelift scheme have been completed the Council will notify each participant of the date on which the works were completed to the authority's satisfaction.
- 4.2 It is a condition of receiving facelift assistance that no further assistance for repairs will be available for a period of 10 years following the certified date of completion of the works.
- 4.3 If a participant wishes to withdraw their property from the scheme at any time after signifying scheme consent the owner must pay on demand any costs to the Council in connection with the Facelift in relation to their property. Notification to withdraw from the scheme must be given in writing.
- 4.4 The local authority may determine not to demand payment or to demand a lesser amount. Any person who feels aggrieved by the demand can access the Council's appeals process outlined in Appendix 2.

B4 Removal Assistance for Disabled People living in difficult to adapt property.

Assistance up to a maximum of £5,000 will be made available to assist disabled households to move to a property that is more appropriate to their needs.

Assistance will only be provided on the condition that the applicant's present accommodation has been assessed as unsuitable for their needs and difficult or expensive to adapt, by an Occupational Therapist and Home Improvement Officer employed by the local authority.

Assistance will only be provided on the condition that the proposed property has been approved as suitable for their needs by the Occupational Therapist or capable of being adapted at reasonable cost.

All offers of removal assistance will be determined by The Review Panel which looks at the full range of options open to families at individual case reviews.

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The assistance will cover the valuation, surveying costs, legal fees removal expenses and reinstatement of services.

The amount of assistance will be determined on the submission of accounts up to the maximum of £5,000.

B5 Relocation Loan Assistance

1. Introduction

- 1.1 The purpose of relocation loan assistance is to facilitate the clearance of poor quality and/or obsolete housing.
- 1.2 Assistance will be available to owner occupiers to bridge the 'affordability gap' between the market value compensation paid for the loss of a property being demolished and the cost of buying a new home.
- 1.3 Relocation Loan Assistance will only be given as a direct result of an (Neighbourhood Renewal Assessment) (NRA) carried out by the local authority and will be subject to available resources.

2. Eligibility Criteria for Assistance

- 2.1 An application for assistance will only be considered if it is made by a person who:
 - (a) has an owners interest in the 'original property' which has been, or is to be, acquired by the Council under Section 290 of the Housing Act 1985 (acquisition of land for clearance) or section 154 of the Town and Country Planning Act 1990 (effect of valid blight notice); and
 - (b) the 'original property' was their only or main residence (whether or not they were living in it) both on the date on which the outcome of the N.R.A was determined by the Council **and** throughout the period ending with the acquisition date (section 133(6) Housing Grants, Construction and Regeneration Act 1996 (as amended)).
- 2.2 Assistance will only be considered to assist the applicant to acquire an owners interest in a dwelling in an area inside or outside the Council's area.
- 2.3 The applicant must intend to live in the dwelling they propose to acquire as their only or main residence
- 2.4 Joint owners of a property will normally only be permitted one application for relocation loan assistance whether that be a joint application or an application made by one of the parties individually.
- 2.5 The dwelling which is to be acquired must be:
 - Be in a reasonable state of repair and free from Category 1 hazards; and
 - In the opinion of the Principal Manager Housing be appropriate for the needs of the intended occupant/s i.e. have a sufficient number of living rooms and bedrooms having regard to the age and number of the occupiers; and

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- In the case of a disabled occupier the accommodation, including access and egress, must either be suitable for that person's needs or be capable of being adapted at reasonable expense to make it suitable

3. Applications and Approvals

- 3.1 Each application for assistance will be considered on its own merits and at the discretion of the relevant Strategic Director. There is no obligation to make relocation assistance available to all displaced persons.
- 3.2 In making an application for assistance the following information shall be required:
- (i) details of the 'original property' including particulars of the interest held and the occupants,
 - (ii) details of the property which the applicant proposes to purchase, including details of the interest to be acquired, the price and its condition.
- 3.4 It is a condition of receiving relocation loan assistance that the applicant will normally be expected to use the sum paid by the Council in respect of market value compensation for the original dwelling for the specific purpose of purchasing their new home.
- 3.5 Applicants will be required to sign a certificate which certifies that the applicant proposes to acquire an owner's interest in the qualifying dwelling and that they intend to live in that dwelling as their only or main residence.
- 3.6 The amount of loan to be offered will vary according to:
- the value of the property
 - the market value compensation paid
- 3.7 The maximum loan available will normally be 50% of either the current market valuation or purchase price, whichever is the lower, of the property the client proposes to purchase as their new home to a maximum of £70,000.
- 3.8 The minimum loan will normally be £1000.
- 3.9 Eligibility does not confer entitlement to assistance. Priority will be given having regard to available resources and individual circumstances.

4. Completion and Conditions

- 4.1 The sum of the assistance will be made available to the solicitor acting for the applicant at the time the principal sum is required to complete the contract for the purchase of the qualifying dwelling.
- 4.2 Loan Applicants will be required to take out Buildings Insurance on their home.
- 4.3 The Loan will be secured as a Land Charge.
- 4.4 The applicant will be subject to the conditions attached to the loan.
- 4.5 The applicant will be eligible for Loan Support Assistance (see B10).

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- 4.6 At the point of loan redemption the Council may determine not to make such a demand for payment or to demand a lesser amount. Any person who feels aggrieved by the demand can access the Council's appeals process outlined in Appendix 2.
- 4.7 The obligation to repay the assistance is chargeable against the qualifying dwelling in the same way as a mortgage. The main mortgage for the purchase of the property and any further amount advanced by the lender takes precedence so that, if the property is sold, the lender gets first call on the proceeds of the sale.

B6 Living Over The Shops (LOTS) Assistance & Conversion of Non-domestic Buildings into Residential Accommodation

1. Introduction

- 1.1 The Council will offer assistance to create good quality, affordable privately let accommodation by:
- (i) the conversion of empty/vacant space situated above commercial premises into self contained residential units of accommodation in order to be privately rented.
 - (ii) the conversion of non-domestic buildings into self contained residential units.
- 1.2 Powers to give this assistance are bestowed upon the Council by Part III of the Local Government Act 1988 s. 24 – s.26, 'Power to provide financial assistance for privately let housing accommodation'. Powers under this legislation remain unchanged by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

2. Eligibility Criteria

- 2.1 In order for a property to be eligible it must be empty/vacant space in commercial buildings that has not been used for residential accommodation before, or has not been used for residential accommodation in the past 15 years, and requires conversion work (at minimum the creation of separate access) in order to form self contained units of accommodation.
- 2.2 Assistance will not be considered for:
- (a) the conversion of existing satisfactory living accommodation to that of a different type, i.e. conversion of flats to smaller units or bedsits. However, some adaptation can be included to an existing unit if it forms part of, and facilitates the provision of, units from previously unused space.
 - (b) the renovation of empty/vacant space above commercial premises where separate access from the commercial element exists, where services already exist and where partitioning/room layouts already lend themselves to self contained units.
- 2.3 The applicant should either be the owner of the property in question or hold a long term lease on the property, of which not less than 10 years remain unexpired at the date of application.
- 2.4 The units of accommodation created must be fully self-contained, containing within them their own kitchen, living area, separate bedroom/s and separate bathroom.

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Each unit shall be provided with, in addition to basic amenities, a suitable cooker, fridge, heating appliance/s, appropriate floor coverings and shall be decorated to the satisfaction of the Council (including all wall, ceiling and exposed joinery surfaces).

3. Application and Approval

- 3.1 The Council shall not accept an application for LOTS assistance unless they are satisfied:
- a) that an applicant is aged 18 or over on the date of application,
 - b) that he/she has an owners interest in the premises **or** holds a long term lease on the premises,
 - c) that he/she agrees and signifies his/her agreement to comply with the conditions of the assistance.
- 3.2 A Certificate of title is required to confirm either ownership or the long term lease held on the premises, signed by a Solicitor, Bank or Building Society stating the interest in the premises.
- 3.3 An application for assistance should comprise of:
- a) A completed business plan/application form stating;
 - (i) the address, type and quantity of the proposed accommodation,
 - (ii) the applicants estimated cost of works,
 - (iii) any other grants received or being applied for,
 - (iv) whether the project is to be funded by a loan,
 - (v) the total assistance requested,
 - (vi) calculated scheme viability taking into account management, maintenance, bad debts, voids and annual financing costs,
 - (vii) the owners/lessees name & address.
 - b) A plan showing the existing layout and use of the premises and the layout of the proposed accommodation.
 - c) A fully itemised estimate for the conversion and creation of the proposed accommodation.
 - d) A certificate of title is required to confirm ownership signed by a Solicitor, Bank or Building Society or sight of the deeds of the property indicating the applicant's ownership
- 3.4 The maximum level of financial assistance given by the Council will be that which is assessed as being necessary to make the scheme financially viable.
- 3.5 The Council will only approve the schemes which offer the best value for money in direct comparison with each other and having regard to the costs involved in previous successful schemes
- 3.6 LOTS schemes will only be approved if the applicant can provide documentation to show that full Planning Consent and Building Regulation Approval has been gained for the conversion of the premises.

- 3.7 The applicant must sign a contract with the Council prior to approval, agreeing to comply with the conditions of the assistance given (see section 4) which includes an agreement to complete the conversion works on a date agreed with the Council. The date upon which the works must be finished may be altered but only if agreed in writing with the Council. Failure to complete work within the agreed timescale may result in the withdrawal of the assistance in part or in full.
- 3.8 Where the assistance given is in excess of £50,000 (or such other amount agreed by the Strategic Director) the applicants compliance with conditions will be secured by a mortgage on the property proposed by the Conveyancing Unit of the Council's Legal Services Dept. The mortgage will cease at the end of the 10 year condition period.
- 3.9 Any monies offered by the Council shall not be used towards financing any conversion works towards any commercial element remaining within the premises.

4. Completion and Conditions

- 4.1 When the full works of the conversion have been completed to the satisfaction of the Council and in line with the LOTS contract (which must include confirmation from Building Control and Planning that works have been completed satisfactorily) the Council will make the final payment of the assistance awarded and issue the applicant with a completion certificate, specifying the date on which works were completed to the Council's satisfaction.
- 4.2 It is a condition of the assistance given that:
- (i) Upon completion the applicant shall place all vacancies for the new accommodation on the Council's Allocations system in order to find tenants. All vacancies will remain on the system for 2 weeks (10 working days) or longer if the applicant chooses. However if after the initial 2 weeks any of the accommodation has not been filled, the applicant can remove the vacancies from the system and locate tenants privately.

The applicant will be expected to accept tenants found through the Allocations system unless he/she can demonstrate to the satisfaction of the Assistant Director with responsibility for Housing that the tenants found are unsuitable.
 - (ii) Following the initial vacancies, for a period of normally 6 years, the applicant will follow the same process as identified in (i) above for each vacancy that arises and then for a further 4 years for each alternate vacancy that arises.
 - (iii) The accommodation will be let with formal tenancy agreements which must give the tenants no less security of tenure than an Assured Shorthold Tenancy under the Housing Act 1988 as amended or replaced.
 - (iv) The rent, excluding payments for services, shall be no higher than an amount as determined by the Rent Officer.
 - (v) The applicant shall maintain the property and its equipment in a good state of repair during the 10 year condition period.

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- (vi) Any commercial element of the premises will be let for normal retailing and commercial activity in line with Planning consent and will not include any process that by means of noise, vibration, fume or any other matter is likely to affect the comfort and well-being of the tenants of the residential units.
 - (vii) If the property is sold or leased during the 10 year condition period, compliance with the above conditions will be included as a condition of the sale or lease and will transfer to the new owner/leaseholder.
- 4.3 Any breach of conditions may render repayable in full or part monies paid by the Council towards the scheme. Any person who feels aggrieved by the demand can access the Council's appeals process outlined in Appendix 2.
- 4.4 The conditions will cease to apply once the amount has been paid or any demand for payment has been satisfied.
- 4.5 In order to monitor compliance with the conditions, the Council will send the applicant, on an annual basis, a Certificate of Compliance which will require the applicant to complete and sign the certificate confirming that they are continuing to comply with the scheme conditions. Failure to comply with this requirement will constitute a breach of conditions in itself and will prompt an investigation by the Council and ultimately may lead to a requirement to repay in full or part monies paid by the Council towards the scheme.

B7 Disabled Facilities – Discretionary Assistance

1.0 Introduction

- 1.1 Discretionary assistance should only be available where the cost of the recommended works exceeds the maximum mandatory grant and where the grant applicant(s)/property owner(s) is/are assessed as being unable to fund the cost of the works or the additional costs themselves.
- 1.2 Grant applicants who are deemed to require discretionary D.F.G. assistance will be independently financially assessed to determine whether they can fund the recommended scheme of works to their property via the Council's Loan Assistance or other private funding. The cost of the required works will be funded/resourced in the following priority order:
- Firstly – the household's own resources and savings (Savings will be assessed having regard to the current Regulations governing means testing, so disregarding the first £6000 of savings at the current time. Savings taken into account for these purposes will include any equity in property and/or investments).
 - Secondly – Commercial loans based on the individual's ability to pay from income
 - Thirdly – Through equity release– refer to B8 Appendix 1
 - Fourthly – through last resort grant assistance
- 1.3 Where applicants are assessed as requiring discretionary assistance in addition to the maximum mandatory disabled facilities grant this will only be approved following individual case review by a Review Panel which will include 3

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representatives appropriate to the case but will always include representatives from Occupational Therapy and Housing.

- 1.4 Where applicants are assessed as only eligible to receive discretionary assistance this will normally be limited to a maximum of £25,000. Any recommended assistance in excess of this maximum will only be approved following individual case review by a Review Panel which will include 3 representatives appropriate to the case but will always include representatives from Occupational Therapy and Housing.
- 1.5 It is important that the Council is not exposed to liability resulting from individuals taking out inappropriate financial products. Therefore the Council will guide individuals towards independent financial advisors and will not provide financial advice itself.
- 1.6 Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance.
- 1.7 Where applicants are able to access their own funding via the the Council's Loan Assistance they will be eligible for Loan Support Assistance (see B10).

2.0 Application

2.1 The Council will not entertain an application for discretionary disabled facilities assistance unless they are satisfied:

a. that the applicant is unable to finance a mortgage or loan to fund the works as determined by their Financial Advisor who will carry out the assessment on behalf of the Council.

(Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance).

b. that an applicant is aged 18 or over on the date of application

c. that the applicant lives in the dwelling as their only or main residence

d. that the applicant has an owner's interest (as defined by section 101 of the Housing Grants, Construction and Regeneration Act 1996) in the dwelling or jointly with others OR

e. where the property is rented from a private landlord or social landlord, that the property owner has given formal, written consent for the works to take place.

2.2 No assistance shall be paid unless an application for it is made to the Council and approved by them.

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- 2.3 An application shall be in writing and shall specify the premises to which it is related and contain:
- a. particulars of the works in respect of which the assistance is sought
 - b. an estimate of the cost of the works
 - c. particulars of any preliminary or ancillary services and charges in respect of the cost of which the assistance is sought
- 2.4 A certificate of title is required to confirm ownership signed by a solicitor, bank or building society or sight of the deeds of the property indicating the applicants ownership.
- 2.5 Where a property is rented from a social landlord the Council will approach the landlord to request that they contribute towards the cost of the works before any application for assistance is considered.

3.0 Approval

- 3.1 The amount of assistance shall be determined by the local housing authority having regard to the eligible expense of the recommended works of adaptation reduced by the amount of funds/loan which an applicant has been assessed as being able to raise by the Council's financial advisor.

The Local Authority must be satisfied that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling.

- 3.2 The applicant will be notified in writing specifying the amount of assistance approved, the eligible works and advising of the conditions.
- 3.3 It is a condition of the assistance that the eligible works are carried out within 12 months from the approval date or such further period as agreed by the local authority.

4.0 Completion and Payment

- 4.1 The payment of assistance is conditional on the works being executed to the satisfaction of the local authority or its agents and on receipt of an acceptable invoice, demand or receipt for payment of the works.
- 4.2.1 Payment will be made direct to the contractor unless a receipted invoice is received, then payment will be made to the applicant. In cases of dispute where the work is not to the satisfaction of the applicant, but the local authority is satisfied, the payment will be made to the applicant.

B8 Home Appreciation Loan

1. Introduction

1.1 The purposes for which a Home Appreciation Loan (HAL) may be given are:-

- To assist the applicant to carry out repairs to their dwelling to enable it to meet Health and Safety and "Decent Home" Standards

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- To assist in the provision of discretionary Disabled Facilities Assistance for adaptations.
- To assist the applicant to access mandatory Disabled Facilities Grant for adaptations by facilitating payment of the applicant's contribution
- To fund the cost of eligible adaptation work where a client has chosen to borrow the money in lieu of a disabled facilities grant
- To enable an empty house to be brought back into use as housing accommodation (all criteria relating to loan assistance for empty homes are included at Section B10 of this Policy)
- To assist the applicant to install energy efficiency measures through the Better Homes Yorkshire scheme where a client is unable to access sufficient funding to install the recommended measures via the Council's Energy Repayment Loan (all criteria relating to loan assistance for energy measures are included at Section B13 of this Policy)

1.2 The amount of loan to be offered will vary according to:-

- the value of eligible works
- the value of the property
- the value of current charges or outstanding mortgage on the property.

1.3 The maximum loan available will normally be 70% of the improved house value calculated as a percentage of the anticipated improved value of the property following completion of the renovation works deemed necessary by the Council less any outstanding mortgage or charge on the property.

1.4 The minimum loan will normally be £1000 or 1.5% of the improved value of the house, whichever is the greater.

2. Application and Approval

2.1 The Council will not entertain an application unless it is satisfied that:-

- Continued occupation of the dwelling is sustainable
- The applicant has an owner's interest in the property.
- Any owner has completed an Owner's consent, which confirms that he owns the dwelling and consents to the assisted work being carried out AND
- The applicant satisfies the eligibility criteria for Health and Safety Assistance in relation to household composition, income and benefit eligibility and that the dwelling does not meet the HHSRS standard and that no other form of assistance other than from the Council is available which will enable the dwelling to be brought up the standard OR
- The applicant satisfies the eligibility criteria for a mandatory Disabled Facilities Grant and the dwelling requires adaptation for a disabled person occupying the property as their only or main residence which falls within the scope of mandatory Disabled Facilities Grant but which can only be accessed on payment of an applicant's contribution made

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possible through use of loan assistance OR

- The applicant satisfies the eligibility criteria for a mandatory Disabled Facilities Grant and the dwelling requires adaptation for a disabled person occupying the property as their only or main residence which falls within the scope of mandatory Disabled Facilities Grant but adaptation works in excess of the mandatory grant are required which can only be made possible through use of loan assistance OR
- The applicant satisfies the eligibility criteria for a mandatory Disabled Facilities Grant and the dwelling requires adaptation for a disabled person occupying the property as their only or main residence which falls within the scope of mandatory Disabled Facilities Grant but the applicant has chosen to apply for loan assistance to fund the works in lieu of a disabled facilities grant
- The applicant satisfies the eligibility criteria for an Energy Repayment Loan (ERL) in relation to household composition, income and benefit eligibility

- 2.2 Eligibility does not confer entitlement to assistance. Priority will be given having regard to available resources and individual circumstances.
- 2.3 All owners of a property must be party to the loan.
- 2.4 The Council may decline an application for a loan if they are aware of information that could adversely affect the security of the loan, regarding either the title of the property or the applicants' financial history.
- 2.5 All work carried out will be to the Council's specification. Eligible work is that deemed so by the Council.
- 2.6 No assistance shall be paid unless an application for it is made to the Council and approved by them.

3. Completion and Conditions

- 3.1 Release of the loan will be made on completion of work to the satisfaction of the Council. Payment will be made direct:-
- To the contractor carrying out the work.
 - To the organisation responsible for loan administration, the part of the assistance related to the cost of setting up the loan (where this is not being paid as Loan Support Assistance).
 - To the Council or Home Improvement Agency, the part of the assistance for preliminary and ancillary service charges (where this is not being paid as Loan Support Assistance).
- 3.2 If a loan application is cancelled:-
- after a valuation has been effected, then the fee accruing will be recoverable from the loan applicant at cost
 - after the solicitor has been instructed, then any work effected and charged by the solicitor will be recoverable from the loan applicant at cost.

- 3.3 Loan Applicants will be required to take out Buildings Insurance on their home.
- 3.4 The Loan will be secured as a Land Charge.
- 3.5 The applicant will be subject to the conditions attached to the loan.
- 3.6 It is a condition of the assistance that the eligible works are normally carried out within 6 months from the approval date or such further period as agreed by the Council.
- 3.7 At the point of loan redemption the Council may determine not to demand payment or to demand a lesser amount. Any person who feels aggrieved by the demand can access the Council's appeals process as outlined in Appendix 2.
- 3.8 It is a condition of receiving loans assistance and loan support assistance that no further assistance for the same work will be available for a period of 10 years following the date of completion of the works.

B9 Loan Support Assistance

- 1.1 Where applicants are able to access their own funding via the Council's Loan Assistance Schemes the Council will normally pay the set up fees to facilitate the funding.
- 1.2 These set up fees will be subject normally to a maximum of £1000.
- 1.3 Further loan support assistance may be available to cover the Council's charges for preliminary and ancillary services to facilitate the work required.
- 1.4 In order to be eligible to receive loan support assistance an applicant must have received approval for Loan Assistance via the Council's Loan Assistance Schemes.
- 1.5 Payment will be made on completion of all work to the satisfaction of the Council as follows:-
 - To the Council or Home Improvement Agency direct, the part of the assistance for preliminary and ancillary service charges
 - To the Financing Agency or nominee, the part of the assistance related to the cost of setting up the loan
 - For relocation loan assistance cases to the solicitor acting for the applicant at the time the principal sum is required to complete the contract for the purchase of the qualifying dwelling.
- 1.6 In deciding the amount of loan to be approved, regard will be taken of the type of loan being offered, and where relevant:-
 - Property Valuation and current available equity
 - Property price trends in the immediate area.
 - Impact of Council activities on House prices in the area.
 - Information from, and recommendations of, the financial assessment conducted by the organisation responsible for loan administration
 - Other available solutions to meeting the objectives of the loan provision.

B10 Empty Property Loan

1. Introduction

- 1.1 The empty property loan may be given to assist the owner/s of an empty house to carry out repairs to their dwelling to enable it to meet health and safety and/or decent homes standard and to bring the property back into use as housing accommodation.
- 1.2 The loan is an equity release product normally provided for a period not exceeding five years. The loan will be the amount of money borrowed, as a percentage of the anticipated improved value of the property following the renovation works.
- 1.3 The loan will normally be redeemed in full at five years or when the ownership of the property changes, whichever is the soonest.
- 1.4 The amount of loan to be offered will vary according to:-
 - the value of eligible works
 - the value of the property on completion of work
 - the value of current charges or outstanding mortgage on the property
- 1.5 The loan will not normally be considered for less than £1,000 or above £30,000 and in accordance with the lending criteria set out above.

2. Eligibility Criteria

- 2.1 Only one loan per owner will be approved at any one time.
- 2.2 Loans will not normally be considered from companies, businesses or owners who own a number of properties.
- 2.3 All owners of a property must be party to the loan.
- 2.4 The Council may decline an application for a loan if they are aware of information that could adversely affect the security of the loan, regarding either the title of the property or the applicants' financial history.
- 2.5 The Council must be satisfied that the owner/s have realistically considered how the loan will be paid back at the end of the loan period.
- 2.6 The loan will be provided to carry out works at the property to enable it to meet health and safety standards and/or decent home standard.
- 2.7 Where the cost of the works to enable the property to meet health and safety standards exceeds the maximum loan available, the application will normally be refused unless the owner can demonstrate to the Council's satisfaction that they can raise the additional funds needed to carry out the works deemed necessary by the Council but not covered by the maximum available loan.

- 2.8 The loan will be the amount of money borrowed, calculated as a percentage of the anticipated improved value of the property following completion of the renovation works deemed necessary by the Council.
- 2.9 The dwelling that is to be the subject of the loan must be currently empty and have been empty for a minimum of six months prior to the date of the application.
- 2.10 The Council will not entertain an application for an Empty Property Loan if the property is part of a commercial premise ie a flat located above a shop, unless the ownership of the dwelling is separate to the commercial premise, there is a separate entrance to the dwelling that does not involve accessing the commercial premise and that all services are supplied separately to each premise.

3. **Application and Approval**

- 3.1 The Council will not normally entertain an application unless it is satisfied that:-
- All owners of the property are party to the loan
 - The applicant/s have an owner's interest in the property
 - The dwelling is currently empty and has been empty for at least six months prior to the application
 - The applicant has not received any financial assistance for repairs to the property administered by the local authority under current policy or previous legislation within the last 10 years.
 - The applicant/s satisfy the eligibility criteria for the loan
 - The dwelling requires works to be carried out to bring it up to health and safety and/or decency standards
 - The value of the loan is not more than 50% of the anticipated improved market value of the property once works deemed necessary by the Council have been carried out
 - The value of the loan, plus any other borrowings against the property, does not exceed 70% of the anticipated improved market value of the property once works deemed necessary by the Council have been carried out.
- 3.2 No assistance shall be paid unless an application for it is made to and approved by the Council .No works should be undertaken prior to approval.
- 3.3 Eligibility does not confer entitlement to a loan. Priority will be given having regard to available resources and individual circumstances.
- 3.4 All work carried out will be to the Council's specification. Eligible work is that deemed so by the Council.

4. **Completion and Conditions**

- 4.1 Release of the loan will be made on completion of work to the satisfaction of the Council. Payment will be made direct:-
- To the contractor carrying out the work.
- To the organisation responsible for loan administration, the part of the assistance related to the cost of setting up the loan.
- To the Council, the part of the assistance for preliminary and ancillary service charges.
- 4.2 The applicants' loan shall be subject to the relevant application documents being completed and shall specify the premises to which the loan relates. The application will contain:
- Particulars of the works in respect of which the loan is sought
 - An estimate of the cost of the works
- 4.3 If a loan application is cancelled after the full application has been submitted then any costs incurred by the Council, its agents and the appointed solicitors since the full application was submitted will be recoverable from the loan applicant at cost.
- 4.4 Loan applicants will be required to take out Buildings Insurance for the property from the completion date of the loan works and for the duration of the loan period.
- 4.5 The loan will be secured as a Legal Charge against the property.
- 4.6 The loan must be repaid five years from the start date of the loan, or when ownership of the property changes, whichever occurs first. Repayment, in full, can be made before this time.
- 4.7 The eligible works must be completed within six months of the approval of the loan.
- 4.8 The property must be occupied as a primary home or sold within 6 months of the start of the loan period.
- 4.9 If, during the loan period, and following occupation, the property becomes unoccupied for a period of time exceeding three months, this represents a breach of conditions unless the owner can prove to the satisfaction of the Council that they have made every attempt to ensure that the property is occupied,
- 4.10 In the event that the property depreciates in value, the Council, upon repayment of the loan, will require repayment of the amount of the loan and not the % of improved value. The loan is, however, subject to a no negative equity guarantee.
- 4.11 Reasonable administration, final valuation, legal, set up fees and charges (land registry) will be added to the loan. A schedule of these costs will be provided in advance and form part of the loan agreement. Applications for Empty Property Loans will not be eligible for Loan Support Assistance.

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- 4.12 In the event that the last surviving owner of the property dies within the loan period, the loan must be repaid within 18 months of the death by the executors of the estate.
- 4.13 In the event of a breach of the conditions of the loan, the Council will normally demand repayment of the loan, together with all sums owing but unpaid.
- 4.14 The application will be subject to the conditions attached to the loan.
- 4.15 The start date of the loan is the date on which the loan works are certified as completed by the applicant and/or the Council.

B11 Local Land Charge for Mandatory Disabled Facilities Grant

The Council has chosen to exercise its discretion to apply a local land charge for the provision of mandatory assistance in line with the Housing Grants, Construction and Regeneration Act 1996; Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

B12 Empty Property Assistance

1. Introduction

- 1.1 Empty property assistance may be given to assist the owner/s of an empty house to carry out repairs to their dwelling to enable it to meet health and safety and/or a lettable standard and to bring the property back into use as housing accommodation.
- 1.2 Individuals who are deemed to be eligible for empty property assistance from the local authority may be given assistance providing that the applicant is unable to finance a mortgage or loan to fund the works via the Council's Empty Property Loan as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

It is important that the Council is not exposed to liability resulting from individuals taking out inappropriate financial products. Therefore the Council will guide individuals towards independent financial advisors and will not provide financial advice itself.

Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance.

- 1.3 Applicants able to access their own funding will be encouraged to bring their properties up to a decent standard.
- 1.4 Empty Property Assistance will be limited to one per property and be subject initially to a maximum of £5,000 (excluding V.A.T). This amount to be reviewed annually by the relevant Strategic Director.

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- 1.5 Enquiries for Empty Property Assistance will be dealt with in date order of receipt of eligible enquiry within the appropriate service delivery team.
- 1.6 Applications for assistance will normally only be considered from owners for properties who have not received any financial assistance for repairs to the property administered by the local authority under current policy or previous legislation within the last 10 years
- 1.7 Applications will normally only be considered for properties, which have been built at least 10 years prior to the application being made.
- 1.8 The amount of assistance to be offered will vary according to the value of eligible works.

2.0 Eligible Works

- 2.1 Assistance to bring an empty property back into use funded through either the Council's Empty Property Loan or Empty Property Assistance will be allocated in accordance with the following priorities and cover the works listed:

Priority 1

Eliminate or reduce Category 1 hazard to Category 2 or below.

Priority 2

Category 2 hazards

Priority 3

General repairs and works to bring the property to a lettable standard.

3.0 Application and Approval

- 3.1 The Council will not entertain an application for Empty Property Assistance unless they are satisfied that the applicant is unable to finance a mortgage or loan to fund the works via the Council's Empty Property Loan or other private funding as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

(Where the local authority is provided with information from the Independent Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating, the local authority will have the discretion to refuse the application for assistance)

And

- d) that an applicant is aged 18 or over on the date of application
- e) that the applicant has an owners interest (as defined by section 101 Housing Grants Construction and Regeneration Act 1996) in the dwelling alone or jointly with others
- f) All owners of the property are party to the assistance
- g) The dwelling is currently empty and has been empty for at least six months prior to the date of enquiry

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- h) The applicant has not received any financial assistance for repairs to the property administered by the local authority under current policy or previous legislation within the last 10 years.
 - i) The applicant/s satisfy the eligibility criteria for the assistance
 - j) The dwelling requires works to be carried out to bring it up to health and safety and/or a lettable standards
- 3.2 No assistance shall be paid unless an application for it is made to the Council and approved by them.
- 3.3 An applicant will normally be required to submit two competitive estimates for the work and must not start work until agreement is received from the local authority.
- 3.4 A certificate of title is required to confirm ownership signed by a Solicitor, Bank or Building Society or sight of the deeds of the property, certifying the applicant's ownership.
- 3.5 Only one application for assistance per owner will be approved at any one time.
- 3.6 Applications for assistance will not normally be considered from companies, businesses or owners who own a number of properties.
- 3.7 Where the cost of the works to enable the property to meet health and safety standards exceeds the maximum assistance available, the application will normally be refused unless the owner can demonstrate to the Council's satisfaction that they can raise the additional funds needed to carry out the works deemed necessary by the Council but not covered by the maximum available assistance. Where this occurs the applicant will be required to utilise their own funds before accessing assistance from the Council.
- 3.8 The Council will not entertain an application for Empty Property Assistance if the property is part of a commercial premise ie a flat located above a shop, unless the ownership of the dwelling is separate to the commercial premise, there is a separate entrance to the dwelling that does not involve accessing the commercial premise and that all services are supplied separately to each premise.
- 3.9 Eligibility does not confer entitlement to assistance. Priority will be given having regard to available resources and individual circumstances.
- 3.10 All work carried out will be to the Council's specification. Eligible work is that deemed so by the Council.
- 3.11 The applicant will be notified in writing specifying the amount of assistance available and the eligible works and advising of the conditions. The total cost of the eligible works will normally be based on the Local Authority's assessed costs.
- 3.12 The applicants' assistance shall be subject to the relevant application documents being completed and shall specify the premises to which the assistance relates. The application will contain:
 - Particulars of the works in respect of which the assistance is sought
 - Two estimates of the cost of the works

4. Completion and Conditions

- 4.1 Release of the assistance will be made on completion of work to the satisfaction of the Council. Payment will be made direct:-
- To the contractor carrying out the work.
 - To the Council, the part of the assistance for preliminary and ancillary service charges.
- 4.2 The payment of assistance is conditional on all of the works identified as necessary to bring the property back into use being executed to the satisfaction of the local authority or its agents and on receipt of an acceptable invoice, demand or receipt for payment of the works.
- 4.3 Payment will be made direct to the contractor unless a receipted invoice is received then payment will be made to the applicant.
- 4.4 The eligible works must be completed within 3 months of the approval of the assistance.
- 4.5 The property must be occupied as a primary home within 6 months of the date on which the works are certified as completed by the Council.
- 4.6 In the event of a breach of the conditions of the assistance, the Council will normally demand repayment of the assistance.

B13 Energy Repayment Loan

1. Introduction

- 1.1 The Energy Repayment loan (ERL) may be given to assist the owner(s) of a residential property to install energy efficiency measures through the Better Homes Yorkshire scheme.
- 1.2 In order to be eligible for assistance the homeowner will have a low income including one or more of the following:
- Means tested benefits **or**
 - Gross income below £25,000 only (savings in excess of the amount specified in the current means testing Regulations will be considered to be available to fund the works i.e. currently £6,000. Savings taken into account for these purposes will include any equity in property and/or investments).
- 1.3 Individuals who are deemed to be vulnerable using the above criteria will be eligible for assistance from the local authority providing that the applicant is unable to finance a mortgage or loan to fund the works via a high street lender as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

It is important that the Council is not exposed to liability resulting from individuals taking out inappropriate financial products. Therefore the Council will guide

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individuals towards independent financial advisors and will not provide financial advice itself.

Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance.

- 1.4 The loan will be an interest free loan, secured as a legal charge against the property.
- 1.5 The loan amount will vary according to the value of the eligible works. The loan amount will be determined by the Council and will normally include any loan set up fees that the client wishes to add to the loan.
- 1.6 The maximum loan will normally be £3000 and the minimum loan normally £300.
- 1.7 The loan will be repayable on a monthly basis. The term for the loan to be repaid over and the monthly repayments will be determined by the Regional Homes and Loans service (who will administer the loan on the Council's behalf) based on a full assessment of the client's ability to repay a monthly repayment.
- 1.8 The minimum term for the loan is normally 6 months and the maximum term normally 60 months.
- 1.9 The client has the right to repay the loan in full at any time. There are no early repayment charges payable if the loan is repaid early.
- 1.10 Only one loan per owner will be approved at any one time.
- 1.11 Loans will not normally be considered from companies, businesses or owners who own a number of properties.
- 1.12 All owners of a property must be party to the loan.
- 1.13 The Council may decline an application for a loan if they are aware of information that could adversely affect the security of the loan, regarding either the title of the property or the applicants' financial history.
- 1.14 Where the cost of works to install the required energy efficiency measures exceed either the maximum loan amount or the amount of loan that the applicant is assessed as being able to repay the applicant will be considered for a Home Appreciation Loan (HAL) subject to their meeting the eligibility criteria for that assistance (eligibility criteria for the HAL are included at Section B8 of this policy).

2. Application and Approval

- 2.1 The Council will not normally entertain an application unless it is satisfied that:-
 - Continued occupation of the dwelling is sustainable

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- The applicant/s has an owner's interest in the property
- The applicant/s satisfy the eligibility criteria for the loan
- The dwelling requires energy efficiency works
- Any owner has completed an Owner's consent, which confirms that s/he owns the dwelling and consents to the assisted work being carried out AND
- The applicant satisfies the eligibility criteria for energy measures through the Better Homes Yorkshire scheme

2.2 No assistance shall be paid unless an application for it is made to and approved by the Council. No works should be undertaken prior to approval.

2.3 Eligibility does not confer entitlement to a loan. Priority will be given having regard to available resources and individual circumstances.

2.4 All work carried out will be to the Council's specification. Eligible work is that deemed so by the Council.

3. Completion and Conditions

3.1 Release of the loan will be made on completion of work to the satisfaction of the Council. Payment will be made direct:-

- To the contractor carrying out the work.

To the organisation responsible for loan administration, the part of the assistance related to the cost of setting up the loan.

To the Council, the part of the assistance for preliminary and ancillary service charges.

3.2 The applicants' loan shall be subject to the relevant application documents being completed and shall specify the premises to which the loan relates. The application will contain:

- Particulars of the works in respect of which the loan is sought
- An estimate of the cost of the works

3.3 If a loan application is cancelled after the full application has been submitted then any costs incurred by the Council, its agents and the appointed solicitors since the full application was submitted will be recoverable from the loan applicant at cost.

3.4 The loan will be secured as a Legal Charge against the property.

3.5 The loan must be repaid within the agreed loan period or when ownership of the property changes, whichever occurs first. Repayment, in full, can be made before this time.

3.6 The eligible works must be completed within six months of the approval of the loan.

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- 3.7 Reasonable administration, legal, set up fees and charges (land registry) can be added to the loan. A schedule of these costs will be provided in advance and form part of the loan agreement. Applications for Energy Repayment Loans will not be eligible for Loan Support Assistance.
- 3.8 In the event that the last surviving owner of the property dies within the loan period, the loan must be repaid within 18 months of the death by the executors of the estate.
- 3.9 In the event of a default in scheduled repayments, default fees will normally be added to the client's outstanding loan on each default occasion. A schedule of these fees will be provided to the client.
- 3.10 In the event that the client's loan has an outstanding balance at the end of the agreed loan term and no repayment plan has been agreed with the Council, interest will be charged to the outstanding balance at an interest rate of 4% on an annual compound basis until the loan is repaid in full.
- 3.11 The application will be subject to the conditions attached to the loan.
- 3.12 The start date of the loan is the date on which the loan works are certified as completed by the applicant and/or the Council.

C Disabled Facilities Grant Review Panel

The Review Panel will have the responsibility of hearing and reviewing individual Disabled Facilities grant cases that:

- are likely to cost over the maximum mandatory grant amount or
- are likely to cost over £25,000 (for cases requiring discretionary works only)
- involve applications for Removal Assistance.

The Panel is required to satisfy itself that the full range of options open to the family has been considered and to ensure that the family's needs have been fully taken into account. They are also required to ensure that the family cannot raise a loan for the discretionary costs as determined by the Council's Financial Advisor who will carry out the assessment on behalf of the local authority.

It is not proposed that the Council itself provide loans for eligible work. It is important that the Council is not exposed to liability resulting from individuals taking out inappropriate financial products. Therefore the Council will guide individuals towards independent financial advisors and will not provide financial advice itself.

Where the local authority is provided with information from their Financial Advisor that the applicant is unable to fund the works through loan assistance due to a poor credit rating or because the applicant has deprived themselves of income or capital for the purposes of increasing their eligibility for financial assistance from the Council, the local authority will have the discretion to refuse the application for assistance.

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A joint report from the Occupational Therapist (O.T) and Home Improvement Officer (H.I.O) will be submitted to the Panel. The report will identify the needs of the disabled person and their carer, the layout of the property, the full range of options, confirmation that the family are unable to fund the works with loan assistance and their recommendations.

The cases will be heard once all the relevant information has been gathered but must be before any grant approval is given. The OT and HIO will present the case to the Panel and answer any questions that may arise.

The Panel membership should normally include 3 representatives with expertise relevant to the case being discussed. This will always include a Manager from Occupational Therapy and a manager from the Housing Service. The panel will meet as and when necessary to review cases.

All decisions will be recorded on the respective files and notified to the family as soon as possible.

Applicants who are dissatisfied with the decision made by the Review Panel will have the right to appeal to the Housing and Non Domestic Rates Appeals Panel (as outlined in Appendix 2).

APPENDIX 2

The processes and procedures involved in the implementation of the Housing Renewal Policy are included as Appendix 2.

These include;-

- The Complaints Procedure
- The Appeals Procedure.

1. The Complaints Procedure

Any individual who is dissatisfied with the service that they have received is entitled to exercise their right to complain.

All complaints about the service will be dealt with in line with the Council's established Complaints Policy.

Details of the Council's Complaints Policy are available on request from the Service or any Council offices or contact point or from the Council's website. A leaflet outlining the Complaints Policy is also available on request and at Council offices or contact points.

2. The Appeals Procedure

This process is available to anyone who is dissatisfied with an officer's decision made in line with the Council's Housing Renewal Policy.

Appeals should be made in writing stating the nature of the appeal and the reasons the appellant is unhappy with the decision. The letter should be addressed to the manager of the section who made the decision.

The facts of the case will be reviewed by the manager and if the manager considers that the appeal is justified the assistance will be processed in line with the Council's Housing Renewal Policy.

If the manager does not consider that there are grounds for the appeal, the appellant will be advised that the matter will be referred to the Housing and Non Domestic Rates Appeals Panel and that they will be contacted in due course when a date for the hearing has been arranged.

The report and supporting documents including photographs, if necessary, will be sent as soon as possible to the Committee Secretariat.

The Committee Secretariat will contact the Chair of the Panel to arrange a date when three Council Members can hear the case.

Notification of the hearing date will be sent to the Appellant by Committee Secretariat and the officer and section involved will also be notified. At least 7 days notice of the hearing will be given to the appellant.

Guidance on the Appeals protocol will be sent to the appellant by Committee Secretariat.

3. General Provisions

This Housing Renewal Policy and framework has been developed to comply with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and Government guidance. The Council's framework ensures:

- An accessible service. The main access point will continue to be the Home Improvement Service but information on the availability of support will be provided to other agencies throughout the District and on the service's website;
- The provision of good information, advice and publicity will summarise the authority's policy and procedures;
- A pre-application process for the health and safety assistance to enable the rapid assessment of initial enquiries;
- Before providing assistance setting out in writing to each person the terms and conditions to which the assistance is to be subject;
- That a person's ability to contribute towards or repay any assistance is taken into account;
- That work for which the assistance is being provided, or conditions relating to the assistance, can only be varied with the consent of persons likely to be materially affected;
- That the consent of the owner and tenant of the dwelling is obtained before works are undertaken, providing the tenant does not unreasonably refuse to consent;
- Risk and fraud is minimised by following Government's Housing Renewal Guidance and working closely with Internal Audit.

The policy also provides for the Authority to require a person:

- (a) to whom assistance has been provided; or
- (b) who has applied for assistance

To give the authority, within 21 days, such information or evidence (including information or evidence relating to that person's financial circumstances) as the authority may reasonably require for the purpose of, or purposes connected with, the exercise of powers under Article 3 of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The preliminary and ancillary fees and charges associated with the provision of assistance will attract a 100% grant. These fees and charges will include:

- In-house grant agency services (pre-inspection, assisting with grant application producing specification of works, drawings and inviting tenders, supervision of works).
- Private architects and surveyors or Home Improvement Agencies.
- Loan Support Assistance.