

# **Redditch Borough Council**

## **Home Repairs Assistance Policy 2010**

## **APPENDIX 1**

# **1 Introduction**

## **The Reform Order**

In July 2002 the Government issued legislation, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, which requires all Councils to adopt and publish a policy as to how they intend to use the powers set out this legislation.

## **The purpose of this document**

This Home Repairs Assistance Policy (HRA) sets out the basis on which Redditch Borough Council will offer financial assistance for works of repair or renewal in the private housing sector.

All housing assistance approved under this policy will be discretionary and are subject to the Council having sufficient funds. The policy does not affect the offer of mandatory Disabled Facility Grants.

The Council will review this policy on a regular basis to take into account changing policies at national and regional level and all available information on the condition of private sector housing in the Borough.

## **The aim of this policy**

The key objective is to assist vulnerable people achieve decent, suitable and affordable homes in sustainable communities and in particular will aim to;

- Increasing the percentage of vulnerable persons in the private sector whose accommodation meets the 'Decent Homes' standard.
- Ensuring adequate conditions in rented accommodation.
- Reduce the number of households living in fuel poverty.
- Meeting the statutory duties of the Council to respond to health and safety issues in housing.
- Meeting the recognised local needs and circumstances identified in the current Housing Strategy, Empty Property Strategy, Community Safety Partnership Plan, Redditch Sustainable Community Strategy, Worcestershire Sustainable Community Strategy, and Worcestershire Supporting People Strategy 2010, regarding house conditions and their affect upon health and safety.

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### **2 Purpose and Form of Home Repairs Assistance**

Home Repairs Assistance may be offered by Redditch Borough Council in accordance with this policy towards the cost of:

- (i) the improvement, repair or adaptation of existing living accommodation including mobile homes and houseboats
- (ii) any other initiatives which are consistent with the aims and objectives of the Council's Private Sector Housing Strategy

The Council may enter into partnership with other organisations or agencies to deliver financial assistance.

The assistance will be focused primarily on particular clients' e.g. disabled, elderly and vulnerable households across the city and on particular themes, for example to improve energy efficiency and eradicate fuel poverty.

### **3 Persons Eligible for Home Repairs Assistance**

Any person who makes an application for Housing Assistance must:-

- (i) be over 18 years of age at the date of the application, and
- (ii) live in the dwelling as his/her only main residence, and
- (iii) have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration), or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a tenancy or license permitting occupation of the dwelling for a minimum period of 12 months after approval of the housing assistance, and
- (iv) have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- (v) satisfy such test(s) of resources as the Council may have in place
- (vi) not be ineligible, by virtue of the Housing, Grants, Construction and Regeneration Act 1996, regulations made under the Act or any other enactment.
- (vii) homeowners have the primary responsibility for ensuring their homes are properly maintained but we will assist vulnerable homeowners to make sure they have the opportunity for achieving decent homes. Where available we will assist homeowners to take advantage of private finance to resolve their problems, thereby maximising the impact of available public funds.
- (viii) Residential Social Landlords or their tenants will not be eligible for HRA.

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- (ix) Ensure that no breach of statutory requirements occurs, for example any necessary planning consent is obtained, planning conditions are adhered to and building regulation requirements met.

### **4 Types of Assistance Available**

The type of assistance available to home owners and tenants will be based on a mixture of advice, private finance and public finance (if available) to priority cases based on the need and circumstances of the applicant.

- The basic information, advice and “sign posting” service will cover repairs, maintenance and improvements including information on builders, energy efficiency, other rehousing options, etc.
- Advice to homeowners about where they might be able to access private finance. This includes the range of financial opportunities accessed via Worcestershire Care and Repair Agency and/or the Council which will be available this year.

The Home Repairs Assistance will be provided in accordance with the following hierarchy:

- Level of client’s own savings that are reasonably available
- Client’s ability to access alternative sources of funding such as charities
- Client’s ability to extend a mortgage or secure an affordable loan
- Provision of funding through the Kickstart Scheme.
- Home Repair Assistance (HRA) for works under £5k, when the above means have been considered and found not to be able to meet the assessed works for property.

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<b>5 Home Repairs Assistance</b>	
Eligibility criteria	<p>Owner-occupiers or private tenants with a repairing responsibility in receipt of one or more of the following means tested benefits:-</p> <ul style="list-style-type: none"> <li>• Working Tax Credit (with an income, after tax, of less than £15,460)</li> <li>• Income Support</li> <li>• Council Tax Benefit (doesn't include single person or disabled person discount)</li> <li>• Pension Guarantee Credit (not pension saving credit)</li> <li>• Jobseekers allowance (income based only)</li> <li>• ESA (income related)</li> <li>• Income support/job seekers allowance/working tax credit/housing benefit/council tax benefit/guaranteed pension credit.</li> <li>• disabled persons who are in receipt of attendance allowance or disability living allowance</li> <li>• household savings of less than £16,000.</li> </ul>
Works qualifying criteria	<ol style="list-style-type: none"> <li>1. Property in need of essential repairs as determined by the Housing Act 2004 as a 'Category 1 Hazard' in order to make the property healthy, safe, wind and weatherproof.</li> <li>2. Property in need of repairs to achieve the 'Decent Homes' Standard.</li> </ol> <p>Priority will be given to qualifying applicants whose homes present a Category 1 Hazard.</p>
Conditions	<ol style="list-style-type: none"> <li>1. Level of grant is restricted to up to a maximum of £5,000 within any 5-year period.</li> <li>2. Grant repayable in full to the Council should the property be disposed of or sold. The charge will be registered with Land Registry or as a local land charge</li> <li>3. Must have lived at the relevant property for at least 12 months.</li> <li>4. Once approval has been given, the applicant has until 6 months from the date of approval to complete the works.</li> </ol>
Maximum grant	£5,000.00

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**Notes.** This is a discretionary loan and subject to available resources. A charge is placed on a property receiving Home Repairs Assistance. If demand for assistance exceeds the budget available, the Council does not undertake to maintain a waiting list.

### **6 Making a Formal Application**

All applications must be provided through Worcestershire Care and Repair Agency and must include the following original documentation:-

- (i) Where the estimated cost of the works exceeds £1,000, a minimum of two quotations is required to be set out on the schedule of housing assistance provided by the Council. If the estimated works is below £1,000 the number of quotes required is at the discretion of the Housing Policy Manager, having regards to the relevant procurement policy. The Council may accept less than two quotations or use a previously approved contractor where the works involve specialist services.
- (ii) Particulars of the work to be carried out including where appropriate plans, specifications and specialist reports.
- (iii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
- (iv) Confirmation of planning and/or building control approval where appropriate.
- (v) Proof of ownership from a solicitor or mortgagee, or copies of the title deeds/land certificate, or copy of the tenancy agreement or licence to occupy.
- (vi) Where the application is the owner or landlord, a signed undertaking for the Council to place a charge on the property to ensure repayment of the Home Repairs Assistance if the conditions imposed by this policy with regard to future occupation, letting or ownership are broken.

The application will only be considered complete when the Council has all the information it needs to be able to make a decision on the application.

### **7 Restrictions on Assistance**

No assistance will normally be given for work started before formal approval of an application, except that:

- (i) The Council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
- (ii) The Council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.

Home Repairs Assistance will not normally be available for:-

- repair/replacement of porches, conservatories, outbuildings etc

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- cosmetic repairs or redecoration
- completion of DIY jobs started by the occupant or others
- works which are covered by a household insurance policy

The Council will not consider an application for assistance in respect of premises built or converted less than 10 years from the date of the application.

No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities.

The Council will assess whether prices given by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year. The Officer may also choose to do a further check on the price by asking a regularly used contractor to price for the work.

The Officer should also give consideration to the procedure for identifying new contractors.

In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower), then they must advise the client that the total eligible grant or assistance will be the lower amount. The client is under no obligation to use the cheaper priced contractor but must be aware that the Council will only make a loan up to the value of the lower price.

The Council recognises that these policies cannot cover every likely situation and there will be people who genuinely are in need of some form of urgent support that are precluded from accessing them due to a certain aspect. In these situations the council may consider offering assistance in exceptional circumstances.

### **8 Supervision of Works**

Worcestershire Care and Repair Agency will have the responsibility for supervision of the works with the applicant and not the Council.

### **9 Payment of Assistance**

The Home Repairs Assistance will only be paid if

- (i) the assisted works are completed within twelve months from the date of approval unless the delay was caused by Redditch Borough Council, and
- (ii) the assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the agreement of the Council, and
- (iii) the assisted works are carried out to the satisfaction of the Council and the applicant, and

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- (iv) the Council are provided with an invoice, demand or receipt for payment in an acceptable format. Any such invoice must contain sufficient detail for the Council to identify in full the works carried out and the price charged and must not be provided by the applicant or a member of his/her family. The work must have been undertaken by a contractor approved by the council (in writing).

The Home Repairs Assistance may be paid in one lump sum on satisfactory completion of the works or in instalments (“stage payments”) as the work proceeds. Stage payments will only be made where the Council is satisfied the value of the work completed exceeds the value claimed. The final payment shall be a minimum of one tenth of the total value of the Home Repairs Assistance approved.

No Home Repairs Assistance will be given until binding agreements appropriate to the form of assistance have been formally executed.

The Council will not enter into any Form of Contract with a builder or contractor to complete the assisted works.

### **10 Repayment of Home Repairs Assistance**

#### **General**

- The Home Repairs Assistance loan is repayable to the Council on the future transfer of ownership of the property. A charge against the property will be placed with Land Registry or a local land charge.
- If an applicant is approved but it subsequently appears to the Council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to the assistance approved, then no payment shall be made (or no further instalments paid) and the Council may seek to recover immediately any payments made together with interest accruing from the date of payment.
- If the applicant is the owner of a dwelling in respect of which Homes Repairs Assistance has been approved and ceases to be the owner before the works are completed he/she shall repay to the Council on demand the total amount of Housing Assistance that has been paid.

#### **Breach of Undertakings**

- Where an owner occupier has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works, and if the owner ceases to occupy the relevant dwelling as their principal residence the owner shall repay on demand to the Council the total amount of Home Repairs Assistance paid out.
- Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for



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letting during the specified period then the landlord shall repay on demand to the Council the total amount of Home Repairs Assistance paid out.

- Where the Council has the right to demand repayment but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of Home Repairs Assistance.

### **Death of Applicant**

- If the applicant should die before the before the Home Repairs Assistance is approved, the application will be treated as withdrawn.
- If the applicant should die after approval of the Home Repairs Assistance or whilst the approved works are in progress, the Council may at its discretion agree to completion or making good of the works and pay the Home Repairs Assistance in full or, if the works originally agreed are not completed in full, an appropriate proportion of the Home Repairs Assistance.

### **Additional Conditions**

The Council reserves the right to impose additional conditions when making a grant approval. These may include but are not restricted to:

- i. A contribution to the cost of the assisted works by the applicant
- ii. Housing accommodation being maintained in repair after completion of the assisted works.
- iii. The right of the Council to recover specialised equipment when no longer needed.

Breach of any additional conditions gives the Council the rights to seek repayment of the Home Repairs Assistance on demand.

## **11 Decision and Notification**

The Council will notify applicants in writing whether their application has been approved or refused. The decision will be notified as soon as reasonably practicable.

If the application is approved, the notification will specify the works that are eligible for assistance, the value of the assistance, the form the assistance will take and the builder/contractor who will carry out the works

If the application is refused, the Council will give the reasons for the refusal and also confirm the procedure for appealing against the decision.

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### **12 Re-determination of Amount of Grant**

Where the Council is satisfied that because of circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may at its discretion re-determine the assistance given in accordance with the framework set out in this document and notify the applicant accordingly.

### **13 Appeals Against Decisions**

Any person who is aggrieved by a decision not to give financial assistance as a consequence of this policy may appeal to seek review of the decision.

- The appeal should first be made in writing to the Head of Community Services. If the person appealing remains dissatisfied they have the right to go through the Council's Corporate Complaints procedure or approach the Local Government Ombudsman.

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## Appendix A Hierarchy of Assistance

