



Horsham
District
Council



Private Sector Housing Assistance Policy

Promoting a better quality of life

November 2011

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Call into one of the Help Points

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1.0 Introduction

- 1.1 Poor quality housing can have an impact on the health of the occupants and on the quality of life in an area. The Housing Strategy recognises the importance of improving the quality of housing in all tenures, in order to protect and improve health and the quality of life. It also acknowledges that the housing stock is a national asset and that action has to be taken to protect and enhance that asset.
- 1.2 This policy supports the housing priorities contained in the Council's Housing Strategy and, in particular, aims to:
- (i) Enable owner-occupiers, of dwellings that do not meet the Decent Homes Standard or that pose a serious health and safety risk to any occupiers or visitors, to bring their homes up to the Decent Homes Standard and to alleviate serious risks to health and safety.
 - (ii) Enable owner-occupiers and private sector tenants to carry out improvements and repairs to their homes.
 - (iii) Enable owner-occupiers and private tenants to make their homes energy efficient thereby reducing the incidence of fuel poverty and secure, as far as possible, against crime.
 - (iv) Enable owners of empty properties to bring them back into residential use.
 - (v) Enable landlords, of dwellings that do not meet the Decent Homes Standard or that pose a serious health and safety risk to any occupiers or visitors, to bring their properties up to the Decent Homes Standard and to alleviate serious risks to health and safety.
 - (vi) Enable people, particularly older persons and disabled persons, to remain in their own property.
 - (vii) Enable people to move to alternative living accommodation where their existing home is unsuitable for adaptation.
- 1.3 The Council's view is that it is primarily the responsibility of homeowners to maintain their own properties, and where owners can afford to undertake repairs and maintenance using their own resources, they should be encouraged to do so. There are, however, good reasons for the Council to

assist vulnerable and poorer homeowners with repairs and improvements, especially where this benefits health, protects the property or allows people to remain in their own homes. In order to assist people this Council will:-

- (i) Encourage homeowners to secure loan finance to carry out maintenance and repairs to their properties. In such circumstances the council recommends seeking independent advice from the Citizens Advice Bureau or other independent organisations.
- (ii) Provide financial assistance to homeowners and tenants to maintain and repair their homes, subject to conditions and where loan finance is not available.
- (iii) Assist owners who are eligible for assistance, in preparing specifications and obtaining contractors' estimates.
- (iv) Provide advice on home maintenance.
- (v) Promote the Handy Van Service for carrying out small repairs and minor adaptations for more vulnerable members of the community.

2.0 Assistance to be Provided

- 2.1 Using the forms of assistance detailed below, Horsham District Council intends to make the best use of the funds it has available to improve the quality of housing and thereby the quality of life, within the District.
- 2.2 The funding of assistance to those in the private sector is discretionary (with the exception of Disabled Facilities Grants) and is financially limited through an annual budget set by the Council.

3.0 Loan Finance

- 3.1 Many people who own their own homes, and who have considerable positive equity in their home, can reasonably be expected to borrow money to pay for the work themselves. Many people already do so through existing lenders. Others cannot or prefer not to, borrow for a variety of reasons.
- 3.2 The Council intends to work in partnership with other local authorities and outside partners to lever-in private finance and facilitate affordable borrowing.

The Council will explore avenues for loan finance in the private sector and will review any new or existing schemes.

3.3 In the interim the Council will guide applicants towards independent financial advisors and existing lenders.

4.0 General Financial Assistance

4.1 In some cases loan finance will not be appropriate, for example where there is insufficient equity in a property against which to raise a secured loan, or where the amount required is too small to justify raising a secured loan. Where loan finance is not available and subject to conditions, the Council will make the following financial assistance available:-

4.2 Repair Assistance

4.2.1 Repair Assistance will be available to improve living conditions to meet the Decent Homes Standard and to alleviate serious risks to health and safety.

4.2.2 Repair Assistance will be available to owner-occupiers of properties that do not meet the Decent Homes Standard or that pose a serious health and safety risk to any occupiers or visitors, in accordance with the council's financial assessment, (4.2.5).

4.2.3 Applicants must have owned and occupied a dwelling for at least three years preceding an application.

4.2.4 Repair Assistance is available for dwellings, which includes fully self-contained flats, but not for common parts or other areas of the building, and does not include mobile homes.

4.2.5 All applicants will be means tested in accordance with The Housing Renewal Grants Regulations 1996 and any future amendments.

4.2.6 Where a property fails to meet the Decent Homes Standard or poses a serious risk to health and safety, Repair Assistance will be offered up to a maximum of £20,000. The property should meet the Decent Homes Standard and provide a safe and healthy environment for any potential occupier or visitor on completion of the works. The amount of assistance is limited to £20,000 per dwelling over a ten-year period.

4.2.8 In cases where Repair Assistance is made available a schedule of works will be prepared, including all works to bring the property up to the Decent Homes Standard and to alleviate serious risks to health and safety. In determining whether to overhaul or repair part of a building in disrepair, the aim will be to ensure that there should be no need for additional work on that part for the next ten years.

4.2.9 All Repair Assistance will be registered as a local land charge and must be repaid when there is a change of ownership, as detailed in this policy.

4.3 **Minor Repair Assistance**

4.3.1 Minor Repair Assistance will be available to people over 60 years of age and vulnerable/disadvantaged households in receipt of a means tested benefit (i.e. Income Support, Housing Benefit, Council Tax Benefit, Income-Based Jobseeker's Allowance, Guaranteed Pension Credit, Working Tax Credit (with an income of less than that specified in The Housing Renewal Grants Amendment Regulations, Currently £15,460) Child Tax Credit (with an income of less than that specified in The Housing Renewal Grants Amendment Regulations, Currently £15,460)), or where they have capital of less than £20,000 and their 'contribution', when assessed in accordance with the statutory grants means test (4.2.5), is less than £500.

4.3.2 Minor Repair Assistance is available for small scale works of repair, improvement and adaptation, to assist people to stay in their own homes.

4.3.3 Minor Works Assistance will be offered up to a maximum of £3,000 and will be available to owner-occupiers and tenants. Applicants must have occupied the dwelling, including mobile homes, for at least one year prior to application. In the case of an application from tenants, only work for which the landlord is not responsible will be considered.

4.3.4 The property should meet the Decent Homes Standard and provide a safe and healthy environment for any potential occupier or visitor on completion of the works. The amount of assistance is limited to £3,000 per dwelling over a five-year period, unless there are exceptional circumstances.

4.3.5 Minor Repair Assistance will not normally be approved where the property would still pose a serious health and safety risk to any occupiers or visitors, on completion of the works. In these cases the applicant would be offered Repair Assistance.

4.36 Minor Repair Assistance may in some circumstances be approved, where on completion of the works, the property did not meet the Decent Homes Standard, so long as there were no serious health and safety risks remaining within the property.

4.3.7 For Minor Repair Assistance there are no conditions of repayment.

4.4 Empty Property Grants

4.4.1 Empty Property Grants will be offered to owners to bring empty properties back into use.

4.4.2 These grants will normally be 50% of the cost of eligible works, up to a maximum of £10,000. For properties to be eligible they must be in need of repair or improvement and have been empty for a minimum of twelve months.

4.4.3 Empty Property Grants will not be approved where tenants have been evicted in order to meet grant eligibility criteria.

4.4.4 On completion of the works the property must meet the Decent Homes Standard, be free of any serious health and safety risks and be of a good lettable standard.

4.4.5 Following completion of the works, the property must either be let directly to an individual or household nominated by the Council for a five year period, at an agreed rent that would be equivalent to the housing benefit payable on the property or, should the Council not require the nomination rights, the property must be let as a residence, for a period of five years, to someone who is not a member of the owner's family, at an agreed rent that would be equivalent to the housing benefit payable on the property.

4.4.6 Empty Property Grants is repayable should any grant conditions be broken. All Empty Property Grants will be registered as a local land charge.

4.5 Landlord HMO Grants

4.5.1 Landlord HMO Grants will be available for works related to fire precautions or means of escape in case of fire, where action pursuant to Section 5 of the Housing Act 2004 is required.

4.5.2 These grants will normally be 50% of the cost of eligible works, up to a maximum of £5,000.

4.5.3 The property must be let as an HMO for five years following completion of the works. Grants will only be available where the property meets all other HMO standards and is well managed.

4.5.4 The grant conditions will remain in force for a period of five years following completion of the work. The grant will be registered as a local land charge and must be repaid if the conditions are breached.

4.6 Landlord Repair Assistance

4.6.1 Landlord Repair Assistance will be available to landlords to remedy serious risks to health and safety where action pursuant to Sections 5 of the Housing Act 2004 is required and it would be unreasonable to expect the landlord to secure improvements.

4.6.2 Assistance will be available to landlords where the property is let to a secure tenant on a regulated rent, or where the landlord can provide satisfactory evidence that they are unable to secure loan finance.

4.6.3 Assistance will normally be 50% of the cost of the eligible works, up to a maximum of £10,000.

4.6.4 The property should meet the Decent Homes Standard and provide a safe and healthy environment for any potential occupier or visitor on completion of the works.

4.6.5 The property must be let as a residence, for a period of at least five years, following completion of the works, to someone who is not a member of the owner's family.

4.6.6 Landlord Repair Assistance will be registered as a local land charge and must be repaid if the letting condition is breached within five years following completion of the work, and when there is change of ownership as detailed in this policy.

4.7 Heating and Energy Efficiency

4.7.1 Energy efficiency improvements will be addressed primarily by promoting nationally available grants. Free and independent advice is available to all residents through the designated officer and the Energy Saving Trust.

- 4.7.2 Eligible residents requiring insulation and heating measures will be directed primarily through Warm Front which is a government funded scheme which provides grants to make homes warmer, healthier and more energy efficient. In some cases the Warm Front Grants do not cover the full cost of the energy efficiency measures and the applicant has to fund the excess. Warm Front top up will be offered to all Warm Front applicants in cases where the Warm Front Grant does not cover the full cost of the energy efficiency measures. The Warm Front Grants will be promoted widely in partnership with appropriate organisations to ensure maximum take-up.
- 4.7.3 Non-eligible residents will be directed to Carbon Emission Reduction Target (CERT) funding for insulation measures. CERT is a statutory obligation placed on energy suppliers to deliver energy efficiency improvements in housing. The majority offer discounted insulation packages.
- 4.7.4 Minor Repairs Assistance will only be available for energy efficiency measures, to owner-occupiers and private tenants who are on the necessary income related benefit, where assistance is not available under Warm Front
- 4.7.5 The installation of energy conservation measures will also be considered when providing all financial assistance detailed in this policy.

4.8 Moving Home Assistance

- 4.8.1 Moving Home Assistance is available to provide an alternative where high cost adaptations are required and it is more cost effective to move to a more suitable property
- 4.8.2 Where a person owns their own home and qualifies for a Disabled Facilities Grant but their existing home is unsuitable and a move to different accommodation would be a better alternative to adaptation, financial assistance up to £5,000 will be available towards the cost of moving instead.
- 4.8.3 Moving Home Assistance would be by way of a grant from the Council, and will be repayable should the property be sold within five years of completion of the move. The loan will be registered as a local land charge.

4.9 Disabled Facilities

- 4.9.1 Mandatory Disabled Facilities Grants will be made available in accordance with the statute. Where Mandatory Disabled Facilities Grants are awarded the Council will not be imposing a charge on adapted properties of owner occupiers.

5.0 Operation of Assistance General

5.1 The following provides advice on the general framework of the financial assistance policy. For issues outside this policy regard will be had to the legislation governing mandatory Disabled Facilities Grants and the Housing Renewal guidance issued by the Office of the Deputy Prime Minister and the Department of Communities and Local Government.

5.2 Enquiries and Applications for Assistance

5.2.1 The Council's Public Health and Licensing Department will operate a preliminary enquiry system to advise people of their renewal options.

5.2.2 An application for assistance shall be in a form prescribed by the Council and shall include:-

- (i) Full particulars including, where relevant, plans and specifications of the works for which the assistance is sought.
- (ii) Evidence to support the financial assessment.
- (iii) Estimates from at least two separate contractors of the cost carrying out the works, unless the Council otherwise directs in any particular case.
- (iv) Particulars of any professional fees and other charges which relate to the preparation for and the carrying out of the works.
- (v) Proof that the applicant is an owner or a tenant of the dwelling.
- (vi) Consent, in writing, from all owners of the dwelling to the carrying out of the works.
- (vii) In the case of empty property grants, where required, an undertaking to let the dwelling(s) as a resident to persons nominated by the Council throughout the period of five years following the date of completion of works, or such other period of time as may be agreed between the applicant and the Council.
- (viii) Where appropriate, Certificates of Occupancy.

- (ix) A copy of all necessary permissions. E.g. Building Regulation approval, planning permission, party wall agreement.

5.3 Applications after Commencement or Completion of Works

- 5.3.1 The Council will not normally approve an application for assistance where the works have begun or been completed prior to approval.

5.4 **Age Limits**

- 5.4.1 The Council will not consider an application for assistance when the property concerned was built or provided by conversion less than ten years before the date of application, except in the case of a disabled adaptation.

- 5.4.2 Applicants must be aged 18 years or over on the date of application to be eligible for assistance.

5.5. **Owner's Interest**

- 5.5.1 The Council will not consider an application for assistance unless the applicant has an owner's interest in all the land on which the relevant works are to be carried out. An owner's interest means a freehold interest or a leasehold interest where there is at least ten years of the lease left to run. Householders in shared equity schemes will be regarded as having an owner's interest, provided that the scheme involves at the outset the grant of a long lease.

5.6 **Assistance to Tenants**

- 5.6.1 Minor Work Assistance will be available to tenants, towards works that are not the responsibility of the landlord.

- 5.6.2 Tenants will need to provide written permission from the property owner in order to apply for assistance.

- 5.6.3 Disabled Facilities Grants are available to tenants, as prescribed by statute.

5.7 **Certificates and Conditions of Occupation**

- 5.7.1 All applications for assistance, other than Minor Repair Assistance, must be accompanied by a certificate relating to the future occupation of the property, as follows:-

- (i) Owner Occupation Certificate certifies that the applicant has an owner's interest in a dwelling and that they intend to live in the dwelling as their only or main residence from the certified date. The certified date is the date certified by the Council on which eligible works were satisfactorily completed. The conditions relating to the certificate shall be registered as a local land charge in relation to the property and binding on the owner or successive owners.

Where there is a change in ownership or occupation compared with that recorded on the Owner Occupation Certificate, the grant will be repayable except where the change is considered to be an exempt disposal.

- (ii) Landlord's Certificate of Intended Letting certifies that the applicant has an owner's interest in the dwelling and intends to, or already has, let the dwelling as a residence for a period of at least five years, beginning on the certified date, to someone who is not a member of his family and on a tenancy which is not a long tenancy. These provisions apply equally to situations where a dwelling is already let, and will continue to be let, after the grant works are carried out and to those where letting will only commence or resume after works have been carried out. There may be a number of individual successive lettings during the five-year period.

5.8 Amount of Assistance

5.8.1 The policy specifies the maximum amount or a formula for calculating the maximum amount of assistance that may be paid in respect of an application for assistance.

5.8.2 The Council will take into account the following matters when determining the estimated expense and calculating the grant:-

- (i) Which of the relevant works are eligible for assistance - the "eligible works"; ("Eligible works" means works agreed by the Council. These would normally include works required to bring the property up to the statutory fitness standard and to put the property into a reasonable state of repair, or adaptations as specified by the Occupational Therapist.
- (ii) The amount of expenses that are properly to be incurred in the execution of the eligible works.

- (iii) The costs properly attributable to the preliminary or ancillary services or charges, incurred in relation to the application.
- (iv) The amount of assistance that will be paid will be subject to the elements set out in (i), (ii) and (iii) above, the means test and criteria applying to specific assistance detailed in the policy.

5.9 Decision and Notification

- 5.9.1 The Council will notify an applicant for assistance whether the application is approved or refused. The notification will be in writing as soon as reasonably practicable and, in any event, not later than six months after the date of the application concerned.
- 5.9.2 If the application is approved the notification will also specify the works which are eligible for assistance, the value of the assistance and the form that the assistance will take, and any contribution by the applicant.
- 5.9.3 If the application is refused, the Council will at the same time explain the reasons for the refusal and the procedure for appealing against the decision.
- 5.9.4 If the Council is satisfied that owing to circumstances beyond the control of the applicant, the cost of the assisted works has increased or decreased, they may re-determine the amount of the assistance and notify the applicant accordingly.

5.10 Supervision of Works

- 5.10.1 The responsibility for supervision of the works rests with the applicant unless he appoints a professional adviser or agent for that purpose. Although the Council may assist the applicant to secure a contractor, this does not constitute a recommendation.
- 5.10.2 The Council does not accept any responsibility for supervision of the works.

5.11 Payment of Assistance: Conditions as to Carrying Out of the Works

- 5.11.1 The assistance will only be paid if -
 - (i) The eligible works are completed within twelve months from the date of approval, or such further period as the Council may allow.

- (ii) The eligible works are carried out in accordance with such specifications as the Council determines.
- (iii) The eligible works are carried out by one of the contractors whose estimates accompanied the application.
- (iv) The eligible works are executed to the satisfaction of the Council.
- (v) The Council is provided with an acceptable invoice, demand or receipt for payment for the works and any professional fees and other charges. For this purpose an invoice, demand or receipt is acceptable if it satisfies the Council and is **not** given by the applicant or a member of his family. If the applicant himself does the work, assistance would only be payable in respect of materials used, for which invoices provided by somebody else could be submitted.

5.12 Payment of Assistance

- 5.12.1 The Council will normally pay the assistance direct to the contractor either in instalments as work proceeds, or in one lump sum following completion of the works. The Council will not normally pay more than three instalment payments and where the grant is paid in instalments, the aggregate amount of grant paid at any point prior to the completion of the eligible works, must not exceed nine-tenths of the amount of the grant.
- 5.12.2 Where assistance is payable but the eligible works have not been executed to the satisfaction of the applicant, the Council may, at the applicant's request and if they consider it appropriate to do so, withhold payment from the contractor. If they do so, they may make the payment to the applicant instead.
- 5.12.3 In cases where the applicant has a contribution to make, they should make arrangements with the contractor for payment.

5.13 Repayment Where Applicant Not Entitled to Assistance

- 5.13.1 If an application for assistance is approved but it subsequently appears to the Council that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to assistance of that description, no payment shall be made or, as the case may be, no further instalments shall be paid and the Council may demand that any payments that have already been made be repaid forthwith, together

with interest from the date on which they were paid until repayment, at such reasonable rate as the Council may determine.

5.14 Conditions for Repayment of Assistance

- 5.14.1 If an owner of the dwelling to which the application relates ceases to be the owner before the works are completed, he shall repay to the Council on demand the amount of any assistance that has been paid.
- 5.14.2 Where an Owner Occupation certificate is required, when an owner of the dwelling(s) to which the application relates ceases to be the owner, he shall repay to the Council on demand the amount of assistance that has been paid.
- 5.14.3 If an owner of the dwelling(s) to which the application relates, having undertaken to let the dwelling(s), ceases to let the dwelling(s) in accordance with his undertaking, within five years from the date the works were completed, he shall repay to the Council on demand the amount of assistance that has been paid.
- 5.14.4 Where assistance has been provided in accordance with Repair Assistance, or Landlord Assistance, if an owner of the dwelling to which the application relates ceases to be the owner, he shall repay to the Council on demand the amount of assistance that has been paid. Repayment will not be required when the property is disposed of to provide an annuity income and the person concerned is entitled to continue to occupy the premises as their only, or main, residency, or where the person to whom the disposal is made is the spouse or partner or member of the family, and they have lived in the property for at least three years prior to the disposal.
- 5.14.5 A disposal of the property is a conveyance of the freehold or the assignment of the lease or the grant of a long lease for a term of more than twenty years, other than at a rack rent.
- 5.14.6 Where the Council has the right to demand repayment but there are extenuating circumstances, they may determine not to demand repayment or to demand a lesser amount.
- 5.14.7 Where the Council demands repayment, it will be the amount of assistance paid and will include an administration fee (currently £100). In cases where the applicant is not entitled to assistance see 5.13.1

5.15 Requiring Information

- 5.15.1 In order to satisfy itself as to the manner in which a dwelling is being occupied or in relation to any other conditions of the assistance, the Council can require the owner or occupier to provide, within 21 days, a statement detailing how the property is occupied and/or details of any other information relevant to the application or grant conditions.
- 5.15.2 It is a condition of the assistance that the owner/occupier complies with this requirement and failure to do so may result in the Council requiring repayment of the grant.

5.16 Additional Conditions

- 5.16.1 Where the Council is considering an application for assistance they may impose additional conditions with the consent of the applicant, prior to approval.
- 5.16.2 The additional conditions may include, but are not restricted to:-
- (i) Applicant to make contribution towards the eligible works.
 - (ii) Right of the Council to nominate tenants to the living accommodation.
 - (iii) Right of the Council to recover specialised equipment when no longer needed.
 - (iv) Appointment of managing agents to let the living accommodation.
 - (v) Living accommodation to be maintained in good repair after the eligible works have been completed.
- 5.16.3 Breach of any of these additional conditions shall give the Council the right to demand repayment of the assistance.

5.17 Security for Assistance

- 5.17.1 Any condition above, which creates a liability to repay the assistance, shall be a local land charge.

5.17.2 The liability to repay any assistance may be discharged at any time by paying to the Council a sum equal to the amount of assistance or such lesser sum as the Council may agreed.

5.18 Applications outside the Policy

5.18.1 Where an application is received by the Council for financial assistance for private sector housing renewal but which falls outside this policy, the application will be considered on its merits by the Head of Planning and Environmental Services. The Head of Planning and Environmental Services has the discretion to approve any assistance where there is only a minor deviation from the policy having regard to the particular circumstances of the applicant. All other applications outside of the policy will be referred to the Cabinet Member with responsibility for a Safer and Healthier District for a decision.

5.18.2 The Cabinet Member and local member(s) will provide the mechanism of appeal for considering applications that are refused.

6.0 Advice

6.1 The Council is committed to making advice and information available, either directly or through other partner agencies, in order to assist residents. The advice and information will be impartial and transparent.

6.2 Horsham District Council staff will not provide financial advice. Anybody who needs such advice will be guided towards independent financial advisers. It will be made clear to anybody who may need to raise a loan that they should seek independent financial advice before entering into any commitments.

6.3 A range of information leaflets will be available to people who make enquiries and information will be provided on the Horsham District Council website.

7.0 Enforcement

7.1 In addition to the assistance detailed in this policy, the Council will continue to use its statutory powers to enforce standards in privately owned housing where appropriate.

7.2 Enforcement action in respect of individual properties shall be at the discretion of the Head of Planning and Environmental Services as complaints or other situations arise.

7.5 Enforcement action in respect of houses in multiple occupation shall be issued at the discretion of the Head of Planning and Environmental Services as complaints or other situations arise.

7.6 Where owners of long term empty properties decline the offer of financial assistance, or other renewal options, the Council will consider using its enforcement powers in order to bring long term empty properties back into residential use.

8.0 Policy Implementation

8.1 This policy will be subject to ongoing monitoring and will be reviewed annually, unless there is some event, consideration or legislation change that necessitates an earlier review.



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