



HOUSING GRANTS ASSISTANCE

APPROVED POLICY DOCUMENT

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INTRODUCTION

Poor quality housing can have an adverse impact on the health and well being of the occupants in an area. The Government's view is that the primary responsibility to maintain a property must lie with the owner. However, the Government is committed to improving housing quality across all tenures including the owner-occupied sector and fully accepts that some homeowners, particularly the elderly and most vulnerable, do not have the necessary resources to keep their homes in good repair. The Council therefore has an important role to provide assistance in these cases. Assistance may be through the provision of grants, loans or a combination of both as well as through partnerships with other agencies.

The Government accepts that loans will not be suitable for all those in need of assistance and the Order is not intended to bring about the wholesale replacement of grants with loans. The Government would also consider that an authority was failing in its duty as a housing enabler and in its responsibility to consider the condition of the local private sector stock if it did not make some provision for assistance. Housing Renewal Guidance states, "**A blanket 'no assistance policy', whether for grants, loans or both, would therefore be unacceptable.**" This policy replaces the previous Housing Renewal Policy adopted by the Council.

Equality of opportunity for all

Having due regard to the limited resources available, the Council recognises that assistance cannot be made available to all residents. In formulating this Policy Document, consideration has necessarily been given to those residents in need of assistance the most by determining their financial circumstances and by only offering assistance where the criteria has been met.

Provision of mandatory disabled facilities grant

The provisions governing mandatory Disabled Facilities Grants (DFG) are covered in the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act), as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and, where relevant, discretionary assistance offered under Article 3 of the Order.

Detailed advice on delivering DFGs and the role and responsibilities of the housing authority and social services is set out in the DTLR/Department of Health good practice guide "Responding to the need for adaptations" (published in 2003). The Order made two changes to disabled facilities grants, from 18 July 2003:

- (a). It extends mandatory DFG eligibility to those occupying park homes and houseboats; and
- (b). It removes the power to give discretionary DFG from the provisions of the Housing Grants, Construction and Regeneration Act 1996

All owner-occupiers and tenants, licensees or occupiers who are able to satisfy the criteria in sections 19 to 22 of the 1996 Act are eligible for DFG. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the

requirements in those sections. Housing Association tenants are eligible to apply for DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements.

CAPITAL RESOURCES

The demand for disabled facilities grant remains high and any reduction in financial assistance by the government will seriously jeopardise the service that can be offered to this particularly vulnerable group of residents. Where demand exceeds the funding available, the Council will operate a waiting list for the provision of financial assistance.

Where it is likely that the full amount of the Disabled Facilities Grant allocation will not be committed on grants approved in any one financial year, the remaining funds may be utilised for the provision of Disabled Facilities Grant for other dwellings regardless of tenure.

The Council will utilise alternative sources of funding where available. This may include funding from sources such as Power Utilities under the energy efficiency commitment scheme, single regeneration budget for a handy person scheme etc.

MANDATORY DISABLED FACILITIES GRANT

Description

Mandatory Disabled Facilities Grant is available in cases specified under the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act), as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and, where relevant, discretionary assistance offered under Article 3 of the Order.

The purposes for which mandatory Disabled Facilities grants may be given are set out in section 23(1) of the 1996 Act and fall into a number of categories:

Facilitating Access and Provision

These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the use of the dwelling and the facilities or amenities within it. In particular:

- (a). facilitating access to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- (b). facilitating access to a room used or usable as the principal family room;
- (c). facilitating access to a room used or usable for sleeping, or alternatively providing such a room for the disabled occupant;
- (d). facilitating access to a room in which there is a lavatory, a bath or shower (or both) and a wash basin or providing a room in which there is such a facility or facilities;

- (e). facilitating access for the preparation and cooking of food.

In considering applications for grant towards such works, the presumption will normally be that the occupant should have reasonable access into his home, to the main habitable rooms within the home – namely the living room and bedroom, and to a bathroom or shower room in which there are suitable facilities for washing and/or showering.

Making a dwelling or building safe

Section 23(1)(b) allows grant to be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with him. This may be the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioural problems which causes him to act in a boisterous or violent manner damaging the house, himself and perhaps other people. Where such need has been identified, DFG is available to carry out appropriate adaptations to eliminate or minimise that risk.

For those with hearing difficulties, an enhanced alarm system, which may be required in the dwelling to provide improved safety for the disabled occupant in connection with the use of cooking facilities or works to provide means of escape from fire could also qualify for mandatory grant under subsection (1)(b).

These measures might include the provision of specialised lighting (or measures such as special blinds to reduce lighting where the disabled person has sensitivity to light), toughened or shatterproof glass in certain parts of the dwelling to which the disabled person has normal access or the installation of guards around certain facilities such as fires or radiators to prevent the disabled person harming himself. Sometimes reinforcement of floors, walls or ceilings may be needed, as may be cladding of exposed surfaces and corners to prevent self-injury.

Room usable for sleeping

While in some cases a living room may be large enough to enable a second room for sleeping to be created, in smaller homes this will not be possible. The provision of a room usable for sleeping under section 23(1)(d) will normally only be undertaken if the Council is satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled occupant shares a bedroom with another person, mandatory grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.

Bathroom

The provisions in section 23(1) relating to the provision of a lavatory and washing, bathing and showering facilities enable a disabled person to apply for DFG to have access to a wash hand basin, a WC and a shower or bath (or if more appropriate, both a shower and a bath).

Facilitating preparation and cooking of food

The provision in section 23(1)(h) covers a wide range of works to enable a disabled person to cater independently. Eligible works include the rearrangement or enlargement of a kitchen to ease manoeuvrability of a wheelchair and specially modified or designed storage units, gas, electricity and plumbing installations to enable the disabled person to use these facilities independently.

Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform certain functions in the kitchen, such as preparing light meals or hot drinks.

Heating, lighting and power

Section 23(1)(i) provides for the improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or where the existing heating arrangements are unsuitable to meet his needs, a heating system may be provided. A DFG would not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling would only be considered where the well-being and mobility of the disabled person would otherwise be adversely affected.

Section 23(1)(j) provides for works to enable a disabled person to have full use of heating, lighting and power controls in the dwelling. Such work includes the relocation of power points to make them more accessible, the provision of suitably adapted controls where a disabled person has difficulty in using normal types of controls and the installation of additional controls.

Eligibility

All owner-occupiers and tenants, licensees or occupiers who are able to satisfy the criteria in sections 19 to 22 of the 1996 Act are eligible for DFG. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements in those sections. Housing Association tenants are eligible to apply for a DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements.

Amounts of Assistance

The Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts) (amendment No. 2) Order 2001 (SI 2001 No 4036) places a limit of £30,000 on the amount of mandatory DFG which may be given. The Order places no limit on the amount of discretionary assistance that can be given for adaptations in addition to as instead of a mandatory DFG. Where the Council determines that a discretionary DFG is appropriate, after having taken into account the needs of the disabled person following consultation with Social Services, it will determine the type of and the amount of assistance depending on the circumstances of each case.

Waiting times for invitation of application

Due to the limited resources available to the Council for award of financial assistance, applicants may be placed on a waiting list prior to being invited to make a formal application. Where this occurs the applicant will be advised that they have been placed on a waiting list and undated every 3 months as to the projected timescale for their application to be invited. Each applicant will be invited to make an application in date order. The Council will however attempt to give priority to urgent applications, as determined by both the Council and the Occupational Therapist.

Conditions Applying to Provision of Assistance

Repayment

Upon completion of the works, a legal charge will be placed on the property registering the payment of grant assistance of £5,000 or more and requiring that if the property is sold within the following 10 year period, the applicant shall repay to the Council all the monies paid to a maximum of £10,000, plus interest as detailed on the Conditions Form.

Certificates and conditions of occupation

All applications for DFG must be accompanied by a certificate relating to the future occupation of the property, and the Council may not entertain an application unless such a certificate is provided. There are three different types of certificate:

(a). Owner-occupiers

An 'owners certificate' certifies that the applicant has, or proposes to acquire, an owner's interest (as defined in section 21(2)) in the dwelling, and that he intends that the disabled occupant will live in the dwelling as his only or main residence from the certified date throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit. The certificate serves to confirm the intention on application, and does not require repayment of grant where there is a breach of condition. However, the Council retains the discretion to demand repayment of the grant (sections 40 and 43 of the 1996 Act as amended by the Order).

(b). Tenants

A "tenant's certificate" certifies that the applicant is the tenant, and that he intends that the disabled occupant will live in the dwelling as his only or main residence from the certified date throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit. The certificate serves to confirm the intention on application, and does not require repayment of grant where there is a breach of condition. However, the Council retains the discretion to demand repayment of the grant (sections 40 and 43 of the 1996 Act as amended by the Order).

A tenant's application should, however, normally be accompanied by an owner's certificate from the landlord, unless the Council consider it unreasonable in the circumstances to require it.

(c). Occupier's certificates (in relation to houseboat and park home applications)

An 'occupiers certificate' certifies that the applicant intends that the disabled occupant will live in the qualifying houseboat or park home as his only or main residence from the certified date throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit. The certificate serves to confirm the intention on application, and does not require repayment of grant where there is a breach of condition. However, the Council retains the

discretion to demand repayment of the grant (sections 40 and 43 of the 1996 Act as amended by the Order).

An 'occupier's application' must, however, normally be accompanied by a consent certificate from each person who owns the mooring or land on which the houseboat or park home is stationed, or who owns the houseboat or park home (i.e. the landlord).

Properties held in trust

There are no specific provisions governing grant applications in respect of dwellings owned by trusts and such applications are, therefore, subject to the conditions applying applications by owner-occupiers, tenants or occupiers. Eligibility for grant is likely to depend on the terms of the individual trust and the Council will consider any such application on its merits based, as necessary, on their own legal advice.

A trustee or beneficiary applying for a grant must be able to fulfil all the normal grant conditions. So, for example, the applicant must be able to demonstrate a relevant interest in the property, either as an owner or a tenant, and to meet the conditions associated with either interest, including providing the appropriate certificate of future occupation.

Means testing

The Housing Renewal Grants Regulations 1996 provide a definition of 'relevant person' for the purposes of applications for DFG. Full details on the current operation of the means test are given in DTLR Circular 03/2002.

Successive applications

For those disabled people whose conditions are degenerative, further adaptations to their home to cater for their deteriorating condition may become necessary at a later date. Chapter I, Part I of the 1996 Act places no express restriction on successive applications for DFG on the same property. In such cases and depending on the time lapse between the successive applications, provision is made in the Housing Renewal Grants Regulations to reduce the amount of an applicant's current contribution. The contribution will be reduced by any previously assessed contribution if the applicant went ahead with the previous adaptations.

HOME LOAN AND EQUITY RELEASE SCHEME

The Council supports the Government's view that owners of dwellings should be encouraged to become less dependant on grant assistance to maintain their homes. The Council recognises that the market for the provision of low cost home loans and equity release products is developing and the Council will monitor the availability of such products. It should be stressed that in taking out any loan, particularly one that is secured against the value of a property, it is recommended that borrowers obtain expert financial and legal advice. The Council is not currently able to provide this advice and would need to enter into a partnership with a suitable external organisation.

FEES AND CHARGES

Where an applicant for assistance incurs fees or charges in the making of their application or appoints an approved agency service to assist them in making an application, the Council will reimburse the reasonable fees or charges incurred subject to the maximum amounts of assistance applicable.

APPLICATION PROCESS

It is the aim of the Council to make the process of applying for assistance as straight forward as possible. All applicants should first complete an initial assessment form to determine their eligibility for assistance. This requires basic financial and personal information about the applicant. Once eligibility of the applicant has been determined, in the case of a disabled facilities grant, a referral will be made to social services in order that an occupational therapist may make assessment of the disabled persons needs. Following this a grant officer will carry out a survey. If the grant officer determines that the works required are eligible for assistance, the applicant will be sent a schedule of works together with the relevant application forms for assistance.

ADVICE THAT IS AVAILABLE

The Council recognises that the provision of clear, concise, easy to understand and readily accessible information is a vital aspect of providing a good service under the principles of Best Value. The following literature that summarises the Council's policy and procedures for providing assistance will be available upon request:

- (a). the types of grant, loan or other assistance available;
- (b). whether the applicant's personal circumstances and property condition make them eligible to apply, with a reasonable expectation of receiving some form of assistance;
- (c). how to make an enquiry and application for assistance;
- (d). any help or advice available with making an application through in-house agencies, home improvement agencies, or partners in any loan scheme operating locally;

- (e). approval and payment processes;
- (f). any conditions that apply;
- (g). how the applicant's contribution (if any) or loan repayments will be calculated and when the loan repayment will be required;
- (h). how to resolve problems during and after completion of works;
- (i). target timescales for operating different parts of the process;
- (j). assistance that may be available instead of or in addition to a grant or loan;
- (k). advice, assistance and advocacy services that may be available from local home improvement agencies where support is required;
- (l). provisions for dealing with requests for assistance that fall outside the policy provisions and complaints procedures.

HOME IMPROVEMENT AGENCY SERVICES

The Council will offer the service of its Home Improvement Agency which will plan the works, obtain any planning or building regulation approval necessary, prepare detailed specifications, obtain builder's estimates and pay the final account on behalf of the applicant. The fee for this service will be 10% + VAT of the cost of the works, which will normally be met through the grant in accordance with Section 6 of this policy document.

The Council will also offer the service of its Home Improvement Agency to persons requiring disabled adaptations, financed by the Social Services Department, under the Chronically Sick & Disabled Persons Act 1970 and other aged and disabled persons requiring basic essential repairs or adaptations, (i.e. where the Authority is not able to offer a grant assistance).

The Council recognises the proposed Lincolnshire Home Improvement Agency through the Supporting People initiative and will consider support to the Agency subject to receiving a detailed report on the services offered and likely cost to the Council.

ARRANGEMENTS FOR COMPLAINTS

If any person has cause for complaint regarding this policy, procedures for grant assistance or the way in which their application for assistance has been handled, they may request a copy of the Council's complaint procedures. Copies may be requested from:

East Lindsey District Council,
Tedder Hall,
Manby Park,
Louth,
Lincolnshire. LN11 8UP

Telephone: 01507 601111

If they feel that their complaint has not been resolved to their satisfaction, then a complaint can be made to the Local Government Ombudsman whose details appear below:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Advice Line: 0300 061 0614

www.lgo.org.uk

ARRANGEMENTS WHERE APPLICATIONS FALL OUTSIDE POLICY

Where applications for assistance fall outside this policy, they will be considered departmentally in the first instance whereupon if it is considered that the case has sufficient merit, a report will be prepared and submitted for determination by the next available meeting of the relevant Portfolio and/or Executive Board of the Council. All funding awarded would be discretionary, and may be subject to repayment conditions.

POLICY IMPLEMENTATION PLAN

This Housing Grants Assistance Policy was adopted by the Council on the 13th January 2015 and will be implemented from that date. The policy will be reviewed at intervals which will not exceed 12 months, the first review falling due 12 months from the implementation date of this policy.