



PRIVATE SECTOR HOUSING  
ASSISTANCE POLICY  
2018 -2022

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## 1.0 INTRODUCTION

- 1.1 This document details Folkestone and Hythe District Council's Housing Assistance Policy. This policy document replaces the previous policy dated 2012.
- 1.2 This policy has been adopted under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Order enables local authorities to develop a means of providing assistance to households living in the private sector to carry out repairs, improvements and adaptations so that they can address local needs and priorities and remain independent in their homes. In order to make use of these powers, the Council has to publish a Housing Assistance Policy.
- 1.3 This document also provides our policy on mandatory Disabled Facilities Grant, which is provided under The Housing Grants, Construction and Regeneration Act 1989.
- 1.4 The policy recognises the pressures on the Council's own capital funds and any money for future housing renewal is only likely to be funded from repayment of previous loans and grants or from direct government allocation (such as the Better Care Fund).
- 1.5 The Policy reflects the local housing conditions as contained in the Private Sector Stock Modelling Report 2016, and the aims of the Housing Strategy 2018. It also reflects the contents of Circular 05/03 "Housing Renewal" issued by the Office of the Deputy Prime Minister in June 2003 and the Better Care Fund: policy framework guidance 2017-2019.

The Policy addresses the following priorities:

- To remove serious (category 1) hazards in homes occupied by households on low income (the target is to improve 150 homes per year through various forms of intervention from the private sector housing team).
- To bring empty homes back into use (the current target is to bring 70 homes back into use each year);
- To provide adaptations to existing homes to meet disabled people's needs.
- To assist with essential works to help disabled, elderly and vulnerable people to remain safe and independent in their home.
- To enable homes to be efficiently heated for persons whose long term health conditions; age or disability makes them vulnerable to the cold and falls.
- To assist in schemes that provide help to enable residents to be discharged from hospital back into their home safely, and to reduce the

risk of admission or readmission to hospital by ensuring that the home environment is free from hazards.

- To ensure that assistance is used as effectively as possible; that monies are recycled where possible and to provide assistance to those persons in greatest need.

1.6 This Policy will be reviewed in 2022. The Director or Head of Service, in consultation with the portfolio holder for Housing may make minor changes to the policy in the interim.

1.7 Any queries relating to this Policy should be referred to the Private Sector Housing Team Leader, Folkestone and Hythe District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY. Telephone: 01303 858660. Email: [privatesector.housing@folkestone-hythe.gov.uk](mailto:privatesector.housing@folkestone-hythe.gov.uk)

## **2.0 FUNDAMENTAL PRINCIPLES**

2.1 It is neither possible nor desirable for the council to offer assistance for all private sector housing problems. It can only directly assist with a proportion of these through targeting the available resources at priority needs.

2.2 Although emphasising that the responsibility to maintain private property rests firmly with the owner, it is recognised that the private housing stock plays a major role in meeting the housing needs of the district and has an important effect on the occupier's health and independence, which in turn should result in less demand on health and social care resources.

2.3 Most assistance is offered in the form of a loan secured on the property and repayable by the owner. In this way funding can be re-cycled to assist subsequent owners. In addition, certain forms of assistance can help balance the local housing market in a way which gives more choice and opportunities to those in housing need and bring additional good quality housing back into use.

2.4 Money repaid to the council, either on repayment of loans upon disposal of the property or when grant or loan conditions are broken, will be reinvested in the private sector housing capital programme. The council considers that this is an appropriate way forward given the pressure on resources and because, over time, it will allow more homeowners to be assisted with a limited amount of resource.

2.5 Each case will be considered on its individual merits. However, there are some general principles that will be applied:

- Landlords are running a business and have a legal duty to keep their property in a good state of repair and comply with all relevant standards; therefore loans to improve a property will not be available to landlords (with the exception of Empty Home loans).
- Owners should always maintain effective buildings insurance and the council will not fund work that is covered by insurance.

### **3.0 VULNERABLE HOUSEHOLDS AND UNSAFE HOMES**

3.1 A vulnerable household is defined as one in receipt of at least one of the principal means tested or disability related benefits. Details of these qualifying benefits can be found in appendix 2 at the end of this policy.

3.2 A home is considered unsafe if it has been identified as having at least one Category 1 Hazard as defined by the Housing, Health and Safety Rating System contained within the Housing Act 2004. Details of the standard can be found in appendix 3 at the end of this policy.

### **4.0 SPECIFIC TYPES OF ASSISTANCE AVAILABLE**

4.1 The council will provide the following forms of assistance to private owners and/or tenants to enable them to improve and adapt their properties, and where possible bring long-term empty homes back into use.

- Home Safe Loans (owner-occupiers only)
- Home Energy Advice and Fuel Poverty (tenure neutral)
- Kent Fuel Poverty Strategy
- Winter Warmth Repayable Grants (owner occupiers only)
- Partnership working with the East Kent Home Improvement Agency/Handyperson Scheme (tenure neutral)
- Folkestone and Hythe Home Enablement Service (tenure neutral)
- Health and Housing Coordinator Service based at the William Harvey Hospital (tenure neutral)
- Disabled Facilities Grants (mandatory and discretionary – privately owned or rented properties only – i.e. not council owned stock)
- Empty Homes Loans (and Folkestone and Hythe No Use Empty Plus scheme)

4.2 Financial assistance will be given subject to sufficient funds being available. Once the budget has been committed, no further offers will be made. In such circumstances the Council may draw up a waiting list of people requiring assistance.

4.3 Further innovative schemes may be devised to enable greater spend of the Better Care Fund allocation and to help more people to live independently in their own homes and meet health related targets.

### **5.0 HOME SAFE LOANS**

5.1 These Loans are intended to assist vulnerable people to make their homes free from hazards. All loans will be registered at the Land Registry as a legal charge.

5.2 Home Safe Loans are available throughout the District. There are no prior occupation conditions. These loans are available to any relevant owner occupier over the age of 18, where hazards exist in their home.

- 5.3 The loans will be up to a maximum of £20,000, with no means test being applied by the council (other than the need to be a vulnerable person according to the criteria set out in this policy). Occasionally, however, it may be appropriate to offer more assistance and such cases will be considered by the Housing Assistance Review Panel and in consultation with the Cabinet portfolio holder (please see full definition of this panel at section 20.3). The loan is repayable on the future sale of the relevant property or when changes or additions to the original title ownership occur and will not attract any interest charges during the term of the loan.
- 5.4 Relevant fees to the East Kent Home Improvement Agency or other approved Supervising Officer, or for Building Regulations or Planning approval, or any other agreed professional fees, can be included as part of the loan calculation.
- 5.5 After receiving assistance, a vulnerable person's home may develop other defects and a further loan may be appropriate to deal with that problem. However, the total amount of loan assistance provided must not exceed the £20,000 limit in any five-year period unless an exception has been agreed by the Housing Assistance Review Panel.
- 5.6 Any requests to waive loan repayment in part or whole or to alter the council's status on the Land Charges Register will not normally be considered except in very exceptional circumstances. This will be determined by the Head of Service in consultation with the council's legal team and the Cabinet Portfolio holder.
- 5.7 If conditions are broken after approval of council assistance and before completion of works, then payments made in respect of partially completed works shall be repaid to the council in full.

## **6.0 HOME ENERGY ADVICE AND FUEL POVERTY**

- 6.1 To alleviate fuel poverty in the Folkestone and Hythe District area the council will inform home owners and tenants of the advice and financial assistance that is available to improve the energy efficiency in their homes. The council currently works closely with local agencies and Kent County Council, who provide free advice and information on energy efficiency measures, consumer debt and benefit entitlement. The Council also contributes, along with other Kent Local Authorities, to the Warm Homes Call Centre (which is based in the Lifeline Office at the Folkestone and Hythe civic centre). The call centre offers advice to residents on what schemes are available nationally and locally to improve energy efficiency.

## **7.0 KENT FUEL POVERTY STRATEGY**

- 7.1 The Council has pledged its commitment to the Kent Fuel Poverty Strategy and its four key priorities. This Housing Assistance policy seeks to align with the key priorities in the strategy which are:-
- Information gathering and sharing
  - Improving energy efficiency

- Reducing fuel costs
- Increasing income

7.2 Schemes to improve energy efficiency of homes in the district include signing up to the LA flexible eligibility scheme, referring residents to the Warm Homes call centre for advice, administering Winter Warmth Repayable Grants and participating in any other schemes as they come to light.

## **8.0 WINTER WARMTH REPAYABLE GRANTS**

8.1 The Better Care Fund guidance has widened the scope of Disabled Facilities Grant (DFG) Funding and suggests that funding energy efficiency measures (heating and insulation) in the home for elderly and disabled and chronically sick residents can help them to maintain independence in the home for longer and prevent hospital admissions through suffering from cold and falls in the home.

8.2 Eligibility criteria for Winter Warmth Repayable Grants is that the applicant must be a home owner who is over 65 years and that they suffer with a long term illness or have a disability that makes them vulnerable to the cold, and they are in receipt of benefits. In certain circumstances, applications from people under 65 will be considered. The health element of the criteria must be signed off by a care navigator, health care professional, General Practitioner or Occupational Therapist.

8.3 The funding is provided in the form of a repayable grant or up to £4,000 (with conditions). If the property is either sold or changes are made to the existing title ownership, the grant will have to be repaid. This condition remains in place for 10 years after the completion of the works and is registered as a local land charge. Upon the 10<sup>th</sup> anniversary of the completion of works, the land charge will be removed and no grant monies will be repayable. This condition is applied the same as it is with standard disabled facilities grants under the Regulatory Reform Order 2002.

8.4 This scheme will help more vulnerable and sick Folkestone and Hythe residents to remain independent in their own home and will help to meet one of the Better Care Fund targets, in addition to reducing fuel poverty and improving energy efficiency of properties in the district.

## **9.0 PARTNERSHIP WORKING WITH THE HOME IMPROVEMENT AGENCY (HIA)**

9.1 The council will continue to work closely with the local HIA. The council has selected a partner agency to provide this service in the most economically advantageous way and also takes advantage of their experience in dealing with vulnerable clients, their ability for sign-posting and accessing other services for clients, their provision of handyman services and a detailed understanding and working knowledge of the DFG and loan processes.

- 9.2 The agency provides advice and assistance to help vulnerable home owners and tenants to improve the condition of their homes and enables them to continue to live independently in the community.
- 9.3 The HIA project manage the majority of Winter Warmth Repayable Grant and Disabled Facility Grant applications and all of the Home Safe loans. The HIA ensures that works are properly procured and completed to the necessary standards. The HIA receives a commission payment for this work. A service level agreement is currently in place to cover this.
- 9.4 Any work completed with the assistance of council funding must be independently verified by the HIA or other organisation approved by the council.

## **10.0 THE HANDYPERSON SCHEME**

- 10.1 The HIA provides a Handy person Scheme. The service covers minor repairs, security and health and safety works for home owners and private sector tenants over 55 years old, who are either vulnerable or who have a physical or mental disability which prevents them undertaking the works themselves.
- 10.2 The scheme is not an emergency call out service, nor does it address gas/electrical works, or carry out external repairs above two storeys high. The service charges a labour fee of either £5.00 per hour for clients in receipt of means tested benefits or £10.00 per hour for clients not in receipt of benefits; the client being responsible for the cost of the materials. These subsidised rates are maintained by core funding from the Council, which is currently paid twice yearly.

## **11.0 FOLKESTONE AND HYTHE HOME ENABLEMENT SERVICE**

- 11.1 This free scheme provides a responsive service helping people live independently and safely at home. It is run by the East Kent Home Improvement Agency Handy Person Service.
- 11.2 It offers practical support to help people to be discharged from hospital more quickly, but can also help to prevent people going into hospital in the first place.
- 11.3 Examples of work that the scheme can cover are supplying and fitting key safes, supplying and fitting bannister and grab rails, moving a bed from upstairs to downstairs, addressing slips trips and falls by securing carpets to the floor, and relocating trailing cables. This list of works are not exhaustive and each case will be considered on its own merits by the Private Sector Housing Team Leader.
- 11.4 Clearing rooms of hoarded items (sometimes on a large scale) to make way for a bed or to prevent falling in the home can also be considered. These are looked at on a case by case basis. Sometimes deep cleaning of parts of the house will also be considered as part of the assistance, particularly where the condition of the property is preventing discharge



from hospital or is deemed to be seriously detrimental to the occupant's health.

- 11.5 Clients must be 50 years or over and be either chronically sick or disabled and live in the Folkestone and Hythe District area. The service can only accept direct referrals from health or social care colleagues or the care navigator service.

## **12.0 THE HEALTH AND HOUSING COORDINATOR SERVICE**

- 12.1 This is a free service to patients at the William Harvey Hospital who reside in the Folkestone and Hythe District funded by DFG allocation. The service is run by East Kent Home Improvement Agency by employing a person to be an integral member of the hospital discharge team to aid a robust approach to support patient discharge quickly, safely and effectively.

- 12.2 Additionally, the role involves undertaking visit to the patient's home following discharge to review the home environment with a view to addressing issues that could prevent the patient from re-entering hospital. Issues likely to be tackled would include clutter and hoarding, uneven or excessive height of door thresholds, trailing cables, loose carpets, or any issues that could cause slips, trips and falls. Assessment for minor adaptations and equipment to enable independence in the home can also take place, along with fitting of key safes to facilitate care packages. Assessments for suitability for telecare, checking the property for disrepair and adequate heating, assessing for bathing difficulties and getting up and downstairs and determining whether a referral to occupational therapy for an assessment for DFG is required.

## **13.0 DISABLED FACILITIES GRANT (DFG)**

- 13.1 The Disabled Facilities Grant is a mandatory grant – that is, the council has to provide them, subject to funding being available. These grants are administered under the detailed provisions of the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform Order 2002.

- 13.2 Traditionally a DFG is provided to adapt the home of a disabled person to meet their needs and allow them to achieve as independent a life as is reasonable. However, since the introduction of the Better Care Fund (BCF) in 2015, more innovative use of the DFG funding is encouraged. The main objectives set out in the BCF include using the funding to assist with reductions in delayed transfers of care from hospitals and care settings (commonly known as bed-blocking) by improving the safety of the home environment and making it secure.

- 13.3 The need for adaptation is determined by an Occupational Therapist (usually from KCC Social Services). The council only acts on recommendations made by an Occupational Therapist and, providing the work is reasonable and practicable and the application is satisfactory in all other aspects, the grant will be approved.

- 13.4 The council will carry out a test of the financial resources of the disabled person (government prescribed means test) and assess how much, if any, they have to pay towards the work. The grant covers any reasonable cost, including professional fees or ancillary charges in excess of the disabled person's assessed contribution, subject to a mandatory grant limit of £30,000. The Council may also use its discretion and fund other works over and above the mandatory limit, but this will be subject to conditions and the Cabinet Portfolio holder will be advised.
- 13.5 Any approved DFG will have a local land charge applied where the cost of the work exceeds £5,000. There will be a requirement to repay the grant up to a maximum of £10,000 when the house is sold or if the disabled person ceases to live there, or any other agreed conditions. However, if repayment of the grant would cause undue hardship, then the council may waive the repayment conditions. Local land charges are not applied to housing association or privately rented properties. The charge is removed upon the 10<sup>th</sup> anniversary of the completion of the works. This is prescribed in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of grant) General Consent 2008.
- 13.6 An Owner's Certificate must accompany any application stating that the applicant intends to remain in the dwelling after completion of works for a period of five years, or as long as their circumstances allow.
- 13.7 Where the existing home of a disabled person is unsuitable for adaptation, the Council will consider providing financial assistance, in lieu of grant, to help that person relocate to a more suitable property. The maximum allowance is £30,000 towards the relocation costs (estate agents fees, solicitor fees and removal costs) and, if the property is located within the Folkestone and Hythe District, towards the costs of adaptations to the new property. An assessment of need carried out by the Occupational Therapist will confirm the suitability of any new property to be adapted.
- 13.8 The Council will use its discretion to decide on a case by case basis, whether certain works can be covered under DFG. For example the repair of a boiler if rooms to be adapted cannot be heated by other means or rewiring parts of the electrical installation to accommodate the safe installation of a stair lift. These decisions will be made day to day by the Private Sector Housing Team Leader or Housing Strategy Manager and the Cabinet portfolio holder will be advised.
- 13.9 Any works under the value of £1000 will not be considered for DFG.

#### **14.0 DISCRETIONARY DFG TOP UP**

- 14.1 A discretionary loan of up to £20,000 will be made available to fund the cost of eligible works, which exceed the maximum £30,000. The Council will consult with Kent County Council Occupational Therapists to determine if the works above £30,000 are reasonable. Occasionally a property will require extensive adaptation which far exceeds the mandatory

£30,000 limit. Such adaptations usually involve extending the property and/or installation of specialist lifts or highly technical bathing equipment.

- 14.2 Where top up is required because of extensive cost of works and if the DFG has already been subject to a financial test of resources, no further means test will be made. Where no financial test has been undertaken (i.e. in children's cases as per legislation), then the decision whether to provide a loan will be subject to a financial test of resources to confirm that the applicant is unable to fund the extra works themselves.
- 14.3 The top up loan will be interest free and secured by a legal charge at land registry and will be repayable upon sale or change of ownership of the property.
- 14.4 If the cost of adaptations reaches £30,000 or near to £30,000 and it is the ancillary fees, or charges by the Home Improvement Agency (or other project manager) that tip the approved amount over the £30,000 limit, a discretionary grant of up to £5,000 will be given to top up the overall grant. The standard £10,000 local land charge will still apply, even where a grant is topped up to cover fees.

## **15.0 THE REVIEWED MEANS TEST AND HELPING MORE DISABLED PEOPLE**

- 15.1 The financial test of resources (means test) prescribed by the government is outdated and sometimes assesses applicants as being able to afford a contribution, when in reality they cannot or even assesses them as having a "nil grant" when in reality they would not be able to afford the works, or would be expected to spend all of their life savings on the work. The Council have in the past had to refuse a grant to applicants because of this, which leaves the applicant struggling to provide or going without the adaptation. This can put unnecessary pressure on the care system and may affect the person's independence and health if they cannot adapt their home according to their needs.
- 15.2 Whilst the DFG allocation can sustain it, a reviewed means test will be applied to all DFG applicants to disregard the first £25,000 of household income. Household income takes into account any income from savings as well as benefits and wages. In times when the DFG budget is reduced, the Council will revert to the standard government prescribed means test. In the reviewed means test the remaining income after the first £25,000 will be used in the calculation. This method will allow the council to help more applicants on low income, who would otherwise be considered only if they can contribute the determined amount towards the work. Qualifying applicants will be eligible to a maximum of £30,000 grant but any contribution determined whilst using the reviewed means test will have to be paid by the applicant.

## **16.0 EMERGENCY STAIRLIFTS**

- 16.1 A discretionary grant of up to £4,000 can provide an urgent stair lift in a disabled person's home in cases of delayed discharge from hospital or where a person is liable to become disabled following an operation (such

as leg amputation) and a stair lift is required before the person can be discharged.

- 16.2 The grant has no conditions and no means test is applied. The grant can be accessed by owner occupiers and private tenants (with the landlord's permission). The request for a stair lift will be assessed by a suitably qualified person such as an Occupational Therapist. The responsibility for its maintenance and servicing would be with the grant recipient. The council have a right to choose a preferred contractor to supply and install the lift.

## **17.0 MINIMUM STANDARD FOR FUNDING OF DISABLED ADAPTATIONS IN HOUSING ASSOCIATION STOCK**

- 17.1 With the increasing use of the DFG funding stream by housing associations, an agreement was reached with the Kent Housing Group to bring more clarity for users and better equity in funding adaptations between local authorities and social housing providers. Since the agreement has been in place and as housing budgets decrease, fewer Housing Associations are able to meet the terms of the agreement. Each Housing Association who originally signed up to the agreement will be written to, prior to commencement of the DFG on a case by case basis to confirm whether they will make any contribution.

- 17.2 Where the Housing Association agrees, the funding of adaptations within housing association stock will be split as follows:

- Cost up to £1,000 – housing associations to fund 100%
- Cost between £1,000 and £10,000 –housing associations to fund 40%, LA to fund 60% via DFG (where DFG eligible)
- Cost over £10,000 – LA to fund 100% via DFG (where DFG eligible)

## **18.0 NO USE EMPTY (NUE) & FOLKESTONE AND HYPHE NO USE EMPTY PLUS (NUE+)**

- 18.1 Folkestone and Hythe No Use Empty Plus (NUE+) is a (national award winning) scheme run jointly between Folkestone and Hythe and Kent County Council. The main aim is to provide loans to bring empty properties back into use as quality housing accommodation for either rent or sale.

- 18.2 It was recognised that there was scope to provide extra finance on top of the existing NUE £25,000 per unit (provided by KCC), as some projects take more money to make them viable.

- 18.3 As a result of this Folkestone and Hythe Council provides another £15,000 per unit of accommodation as a "top up" to give a £40,000 limit, which has already proved very popular and helped to provide homes where it was thought not previously possible.

- 18.4 As with the existing NUE scheme, the main criteria are for the property to be empty for 6 months or over, with the loan secured by means of a land

registry charge. The loan can then be repaid either when the property is sold or after 3 years if it has been available for rental.

- 18.5 This assistance will be targeted at longer-term empty properties (longer than six months) with a degree of dereliction which are blighting the street or area, adversely affecting the living conditions of neighbours and, particularly where they are attracting vandalism, crime and rubbish dumping. Assistance for empty homes will be available throughout the District, but will only be considered where the nature and location of the property makes it a priority to the council at the discretion of the Housing Assistance Review Panel.
- 18.6 Empty Homes Loans will not attract any interest charges during the term of the loan (3 year period).
- 18.7 In determining the offer of an Empty Homes Loan to a landlord the council will not require a means test; however, a credit check will be carried out. Loans will not be offered in cases where an applicant fails the appropriate credit check or if the landlord is deemed to be not fit and proper.
- 18.8 Eligible works, as specified by the council, may include comprehensive repairs and improvements to the external and internal fabric of the building including replacement roofs (where repair is no longer viable), repairs to chimney stacks, gutters, rainwater pipes, doors, windows, ceilings, walls, floors, and repair or renewal of the electrical installation. Relevant fees to the approved Supervising Officer, or for Building Regulations or Planning approval, or any other agreed professional fees, can be included as part of the Loan calculation.
- 18.9 On completion of the works the property must meet the Decent Homes Standard and be free from category 1 hazards. Details of the standard can be found in appendices 3 and 4.
- 18.10 The council will not consider applications for financial assistance towards the repair or replacement of garages, conservatories, sheds, outbuildings, porches or commercial premises. External or internal redecoration, central heating installations or double-glazing/window replacement simply to upgrade do not qualify for assistance unless they form part of a refurbishment scheme to bring the property up to the Decent Homes Standard or to alleviate hazards.
- 18.11 The owner will be required to repay the loan in full if the property is sold within the term of the loan, or if the council considers it is not available for letting.
- 18.12 Loan offers are not transferrable, nor are the conditions of the Loan to be transferred to a third party.
- 18.13 Any requests to waive Loan repayment in part or whole or to alter the council's status on the Land Charges Register will not normally be considered except in very exceptional circumstances. This will be determined by the Head of Service (or subsequent Directors with responsibility for housing improvement activities) in consultation with the

council's legal team and the Cabinet Member for Housing.

- 18.14 If conditions are broken after approval of council assistance and before completion of works, then payments made in respect of partially completed works shall be repaid to the council in full, together with compound interest.

## **19.0 SHEPWAY LIFELINE**

- 19.1 Shepway Lifeline plays a vital role in helping vulnerable people to live independently in their own homes within the community. The service is able to address a range of client needs. As well as assisting clients requiring assistance within their home, for example clients who may have suffered a fall, the service can also assist clients with complex needs due to the onset of dementia. The service has recently installed assistive technology for a client suffering from dementia. The technology alerts family members when the client unexpectedly leaves their home.

## **20.0 GENERAL**

- 20.1 Initially, verbal or written enquiries for assistance can be made to the Private Sector Housing Team at the Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY, telephone 01303 858660, e-mail: [privatesector.housing@folkestone-hythe.gov.uk](mailto:privatesector.housing@folkestone-hythe.gov.uk) . Written enquiries should include specific details of the assistance requested and the owner's circumstances, preferably with a contact telephone number.
- 20.2 The council's Private Sector Housing Team is available on the above telephone number to discuss any applicant queries regarding this policy.
- 20.3 Some day to day decisions will be considered by the Housing Assistance Review Panel. This panel will normally consist of the Housing Strategy Manager and the Private Sector Housing Team Leader and decisions will be made in consultation with the cabinet portfolio holder. Other people will be invited to join the Panel to assist in decision making as required. The aim of this is to provide a formalised system for unusual cases to be discussed and considered on the merits of the individual case, while still promoting consistency of decision making.
- 20.4 In some cases, the Panel will determine the course of action. In others, generally where the situation is exceptional or tends to set a significant precedent, a report will be presented to the Head of Service and Cabinet Member for Housing who will then make a decision.
- 20.6 An example of a situation that would be dealt with by the Panel could be considering a request for grant aid to be provided as an exception to general policy, also it could be where emergency, life threatening or other urgent circumstances arise and where no other financial assistance is available.
- 20.7 Where a grant or loan is provided as an exception to the general policy the standard financial assistance conditions will apply. Additional conditions

may be attached for individual cases. For more details see Appendix 1 for the Eligibility Criteria and Conditions.

20.8 Appeals about how the policy is operated in individual cases, for example, where an enquiry or application for assistance is refused, will be referred through to and dealt with by using the council's complaints procedure.

20.9 Appeals must be set out in writing and sent to the Complaints and Information Team, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY. The appeal submission must include the specific grounds on which the appeal is based. Appeals will be considered only on the following grounds:

- That the policy has not been applied correctly to the case in question, for example there has been a mistake; or
- That the case in question is exceptional in some way that justifies an exception to the general policy.
- Where an applicant believes that their application for assistance has not been properly considered by the council's officers.

20.10 The council welcomes any general queries, complaints or suggestions about this policy. You should set out any comments in writing and send them to the Private Sector Housing Team at the Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY. All comments will be carefully considered and a written reply will be given. Where appropriate, you will be contacted to discuss the views that you have put forward.

**ELIGIBILITY CRITERIA AND CONDITIONS**

- 1.1 In accordance with this policy council assistance may be in the form of a grant, loan or other means, as specified by the council from time to time.

**2. PERSONS APPLYING FOR HOUSING ASSISTANCE**

- 2.1 To qualify for Housing Assistance a person must:
- 2.2 Live in the dwelling as his sole place of residence except for a landlord who intends to make the dwelling available for letting to a vulnerable household.
- 2.3 Have an owner's interest in the dwelling or be a tenant or licensee of the dwelling, alone or jointly with others.
- 2.4 Have a duty or right to undertake the works in question and have the explicit permission in writing from the owner to do so.

**3. FORM OF APPLICATION**

- 3.1 The application for assistance under this Policy shall be in the form prescribed and approved by the council and may be varied by the council as it considers appropriate. The applicant will be required to provide all or some of the following:
- 3.2 Full details, including approved plans of the works for which assistance is requested.
- 3.3 Detailed estimates from at least two builders of similar standing (unless there is only one provider of specialist equipment or services available) for the works in question. The contractors concerned may not be members of the applicant's immediate family.
- 3.4 Details and receipts for the costs of any professional fees incurred or to be incurred in relation to the application for assistance.
- 3.5 Documented proof that the applicant is the owner, tenant or licensee of the dwelling in question.
- 3.6 Where the applicant is not the owner, written consent from all owners that the applicant may undertake the works in question.



3.7 If the applicant is an owner, an undertaking to repay any financial assistance provided for breach of the conditions listed in paragraph 12 below.

3.8 If the applicant is a landlord, to enter into an agreement that the dwelling will be made available to a vulnerable household on completion of works.

#### **4. AMOUNT OF ASSISTANCE**

4.1 The council will specify a maximum amount or a formula for calculating the maximum amount of assistance which may be paid and may specify different maxima for works of different descriptions.

#### **5. EXCLUSION OF WORKS ALREADY CARRIED OUT**

5.1 The council will not generally approve an application for assistance if the works, the subject of the application, have been carried out before the application is approved.

5.2 Where the relevant works have begun but have not been completed, the application may be approved if the council is satisfied that there were good reasons for beginning the works before the application was approved.

Any works commenced before the approval of any assistance may not be included within the eligible costs.

#### **6. DECISION AND NOTIFICATION**

6.1 The council will notify an applicant in writing whether the application for assistance is approved or refused. The notification will be provided as soon as reasonably practicable and, in any event, not later than eight weeks after the date of the completed application concerned.

6.2 When an application is approved the notification will specify the works which are eligible for assistance, the value of the assistance and the form that the assistance will take.

6.3 In the case of a refusal the council will explain in writing the reasons for the refusal and the procedure for appealing against the decision.

6.4 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, it may re-determine the amount of the assistance and notify the applicant accordingly.

#### **7. SUPERVISION OF WORKS**

7.1 The contract of employment will be between the applicant and the chosen contractor and **will not** include the council.

- 7.2 The responsibility for supervision of the works rests with the applicant. The council will require the applicant to appoint either the local home improvement agency (HIA) or a suitably qualified supervising officer to project manage any grant/loan application.

## **8. PAYMENT OF ASSISTANCE: CONDITIONS AS TO CARRYING OUT WORKS**

- 8.1 The assistance will be paid only if:
- (a) The assisted works are completed within twelve months from the date of approval, and three months in the case of Home Safe Loans and Winter Warmth Repayable Grants, or such further period as the council may subsequently allow.
  - (b) The assisted works are carried out in accordance with the conditions of approval.
  - (c) The assisted works are carried out by one of the contractors whose estimates accompanied the application.
  - (d) The applicant confirms his/her acceptance of and satisfaction with the completed works and these works have been executed to the satisfaction of the council (In exceptional circumstances or in the case of a dispute, the council has the discretion to make or withhold a payment).
  - (e) 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's audit standards and is not submitted by the applicant or a member of his family.

## **9. PAYMENT OF ASSISTANCE**

- 9.1 The council will normally pay the assistance direct to the contractor either on the completion of the works or by up to four instalments as work proceeds.
- 9.2 Where assistance is payable but the assisted works have not been executed to the satisfaction of the applicant the council may, at the applicant's request and if it considers appropriate to do so, withhold payment to the contractor. If it does so, the council may make the payment to the applicant instead.
- 9.3 Where assistance is in the form of a loan the council will enter into legal agreements with the parties at the appropriate time to ensure that the loan can be recovered. Loans will be registered as a charge at the Land Registry or in the case of a mandatory DFG or Winter Warmth Repayable Grant, the loan element will be registered as a local land charge.

## **10. REPAYMENT WHERE APPLICANT IS NOT ENTITLED TO GRANT**

- 10.1 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, no payment shall be made. In the case where payment has

been made by instalment, no further instalment shall be paid and the council may demand that any payments already made be repaid forthwith, together with compound interest.

## **11. CONDITIONS FOR REPAYMENT OF ASSISTANCE**

- 11.1 If the owner of the dwelling to which the application relates ceases to be the owner before the works are completed, he/she shall repay to the council on demand the amount of any assistance that has been paid together with compound interest.
- 11.2 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/her agreement with the council, he shall repay to the Council on demand the monies in accordance with this policy.
- 11.3 Where the council has the right to demand repayment but there are extenuating circumstances, it may determine not to demand repayment or to demand an amount less than the full amount.
- 11.4 Flexible repayment options exist for repayment of all assistance within this Policy. Please contact the council for details.

## **12. ADDITIONAL CONDITIONS**

- 12.1 Where the council approves an application for assistance it may impose additional conditions with the consent of the applicant.
- 12.2 The additional conditions include, but need not be confined to:
- a) Require the applicant to make contribution towards the assisted work;
  - b) The council having the right to nominate tenants to the living accommodation provided;
  - c) The council having the right to recover specialised equipment when no longer needed;
  - d) Requiring the appointment of managing agents to oversee and manage the letting of the living accommodation provided;
  - e) Requiring the living accommodation provided to be maintained in repair after the assisted works has been completed.
- 12.3 Breach of any of these additional conditions shall give the council the right to demand repayment of the assistance as listed within paragraph 12.2 above.

## **SECURITY FOR ASSISTANCE**

- 12.4 Any condition above that creates a liability to repay the assistance shall be a charge registered at the Land Registry or a local land charge.
- 12.5 The liability to repay any assistance may be discharged at any time by paying to the council a sum equal to the amount of the assistance or such lesser sum as the council may agree.

## APPENDIX 2

### DEFINITION OF A VULNERABLE PERSON

A vulnerable person is someone who is in receipt of one of the following qualifying benefits

- Income Support
- Universal Credit
- Council Tax Reduction
- Working Tax Credit (with a disability element, maximum income amounts apply)
- Childs Tax Credit (maximum income amounts apply)
- Pension Credit
- Income based Job Seekers Allowance
- Attendance Allowance
- Disability Living Allowance or PIP
- Industrial Injuries Disablement Benefit
- War Disablement Pension
- Income-related Employment and Support Allowance

Note:

Benefit types may change over the period of this policy, however, the criteria is based on eligible means tested benefits.

## APPENDIX 3

### HOUSING, HEALTH AND SAFETY RATING SYSTEM (HHSRS) – HOUSING ACT 2004

Dwellings which fail to meet this criterion are those containing one or more hazards assessed as serious ('Category 1') under the HHSRS.

1. Damp and mould growth
2. Excess cold
3. Excess Heat
4. Asbestos and MMF
5. Biocides
6. CO and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds
11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise
15. Domestic hygiene, pests & refuse
16. Food safety
17. Personal hygiene, sanitation, drainage
18. Water supply
19. Falls associated with baths etc
20. Falling on level surfaces etc
21. Falling on stairs etc
22. Falling between levels
23. Electrical hazards
24. Fire
25. Flames, hot surfaces, etc
26. Collision and entrapment
27. Explosions
28. Position & operation of amenities etc
29. Structural collapse & falling elements

## **DECENT HOMES STANDARD – DEFINITION**

The definition of what is a decent home has been updated to reflect the Housing Health and Safety Rating System (HHSRS) which replaced the Housing Fitness Standard on 6 April 2006. A decent home meets the following four criteria:

a) It meets the current statutory minimum standard for housing

Dwellings which fail to meet this criterion are those containing one or more hazards assessed as serious ('Category 1') under the HHSRS.

b) It is in a reasonable state of repair

Dwellings which fail to meet this criterion are those where either:

- one or more of the key building components are old and, because of their condition, need replacing or major repair; or
- two or more of the other building components are old and, because of their condition, need replacing or major repair.

c) It has reasonably modern facilities and services

Dwellings which fail to meet this criterion are those which lack three or more of the following:

- A reasonably modern kitchen (20 years old or less);
- A kitchen with adequate space and layout;
- A reasonably modern bathroom (20 years old or less);
- An appropriately located bathroom and WC;
- Adequate insulation against external noise (where external noise is a problem);
- Adequate size and layout of common areas for blocks of flats.

A home lacking two or fewer of the above is still classed as decent, therefore it is not necessary to modernise kitchens and bathrooms if a home meets the remaining criteria.

d) It provides a reasonable degree of thermal comfort

This criterion requires dwellings to have both effective insulation and efficient heating. It should be noted that, whilst dwellings meeting criteria b), c) and d) are likely also to meet criterion a), some Category 1 hazards may remain to be addressed. For example, a dwelling meeting criterion d) may still contain a Category 1 damp or cold hazard.

**List of funding streams for Housing Assistance**

<b>Scheme or Initiative</b>	<b>Funding source</b>	<b>Funded until?</b>
Disabled Facilities Grants	Better Care Fund (DFG allocation) – direct from central government via KCC	Ongoing rolling annual programme – funding allocated in April each year.
Winter Warmth Repayable Grants	Better Care Fund (DFG allocation)	Ongoing as above (part of DFG annual allocation)
Folkestone and Hythe and Dover Home Enablement Scheme	Better Care fund (DFG allocation) – partially funded with Dover District Council to cover residents of both areas.	SLA agreed on an annual basis. Funded by DFG allocation.
Handy Person Scheme and HIA services (including administration of grants and loans)	Folkestone and Hythe General Fund	Agreed during budget setting process (annual payment to Home Improvement Agency)
Home Safe loans	Folkestone and Hythe Capital budget (£100,000 p.a.)	Agreed annual budget Recycled loan funds cover this.
Folkestone and Hythe No Use Empty Plus Loans	Approved Folkestone and Hythe budget	Approved Folkestone and Hythe budget £350,000 p.a. since 2015/16 – approved to 18/19 and then subject to cabinet approval for using recycled funds in future.
Folkestone and Hythe Health and Housing Coordinator Service (at the William Harvey Hospital in Ashford)	Better Care fund (DFG allocation) – partially funded with Dover District Council to cover residents of both areas.	SLA agreed on an annual basis. Funded by DFG allocation.