



# **Housing Financial Assistance Policy 2021-2025**

## **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002**

Housing Services  
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## 1. Background

### Housing Renewal Financial Assistance Policy

- 1.1 The Housing Renewal Financial Assistance Policy sets out the financial assistance tools for providing housing renewal assistance. This is a requirement under the Regulatory Reform (Housing Assistance) England and Wales Order 2002

### Resources

- 1.2 Financial assistance measures are subject to available limited resources, with the exception of Mandatory Disabled Facilities Grants, financial assistance measures are DISCRETIONARY.
- 1.3 The mandatory disabled facilities grant is subject to a test of resources set by the Government.

### New measures – the need to offer flexible assistance (Better Care Fund)

- 1.4 Rother District Council may develop alternative options to the stated assistance available within this policy.
- 1.5 The Corporate Management Team in consultation with the portfolio holder with responsibility for housing has discretion under this policy to introduce and develop assistance that enables existing and new sources of funding to be targeted at eligible clients. This includes setting bespoke conditions and eligibility criteria.
- 1.6 The key aim of this section is the need to respond quickly to proposals, schemes and funding offered from time to time by other agencies and partner organisations.
- 1.7 From time to time resources may be targeted at specific areas and therefore some assistance measures will be unavailable. Up to date information will be provided on the Council's website or will be available from the Housing Team.

## 2. Mandatory Disabled Facilities Grant

- 2.1 The Mandatory Disabled Facilities Grant (DFG) remains a mandatory grant as prescribed by the Housing Grants Construction and Regeneration Act 1996 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. **Applications for this grant will be determined in accordance with current legislation, guidance, and good practice guides.**
- 2.2 The following is a summary of the main criteria the Council will consider when allocating a mandatory grant. The detailed conditions of the Mandatory Disabled Facilities Grant can be found at Appendix A.

2.3 The adaptations to the property must be considered necessary and appropriate for one or more of the following purposes:

- a) Facilitating access to and from the dwelling or building by the disabled occupant.
- b) Making the dwelling or building safe for the disabled occupant.
- c) Access to the principal family room by the disabled occupant.
- d) Access to or providing a bedroom for the disabled occupant.
- e) Access to or providing a room containing a bath or shower for the disabled occupant or facilitating the use by the disabled occupant of such a facility.
- f) Access to or providing a room containing a toilet for the disabled occupant or facilitating the use by the disabled occupant of such a facility.
- g) Access to or providing a room containing a wash hand basin for the disabled occupant or facilitating the use by the disabled occupant of such a facility.
- h) Facilitating the preparation and cooking of food by the disabled person.
- i) Improving or providing a heating system for the disabled person
- j) Facilitating the use of power, light, or heat by the disabled person by altering same or by providing additional means of control.
- k) Facilitating access and movement around the dwelling to enable the disabled person to provide care for someone

#### Maximum

2.4 The maximum level of grant available per application is set by statute at £30,000 at present. The amount of grant will include all relevant works, reasonable fees, and VAT. Where the cost of the work is less than the maximum grant limit the grant will be the cost of the works less the assessed contribution. Where the cost of the work exceeds maximum grant limit, the grant will be the maximum grant limit less the assessed contribution.

#### Eligibility

2.5 Applicants for a Mandatory DFG must be either the owner or a tenant of the property to be adapted and the disabled person must be registered or registerable with the welfare authority.

2.6 The disabled person and any partner are means tested to determine the amount of their contribution towards the cost of the works. If the disabled person is a child, the parents are no longer means tested.

2.7 An Owner-Occupation Certificate or Certificate of Intended Letting is required as evidence of occupation.

2.8 The Council operates a priority scoring system to help manage demand for assistance.

#### Property Charges

2.9 The Local Authority may place limited charges on adapted properties of owner occupiers, where the cost of the DFG exceeds £5,000, limited to a maximum

charge of £10,000. The charge will be incurred if the property is sold within ten years.

### **3. Mandatory Disabled Facilities Grant – top-up assistance**

- 3.1 A discretionary payment to provide top-up assistance to a Mandatory Disabled Facilities Grant where the council has taken the view that the amount of assistance available under mandatory DFG is insufficient to meet the needs of the disabled person and their family.
- 3.2 There is a £30,000.00 limit on top-up assistance.
- 3.3 The eligibility criteria for top-up assistance is the same as the Mandatory Disabled Facilities Grant.

#### Discretionary Disabled Facilities Assistance (DDFA)

- 3.4 Discretionary Disabled Facilities Assistance (DDFA) will be considered necessary and appropriate when the adaptations will make the dwelling suitable for the accommodation, welfare, or employment of the disabled person with relation to the Better Care Fund.
- 3.5 There is a £30,000 limit on the amount of grant that can be awarded per application. Where the cost of the work is less than the maximum limit of £30,000 the assistance will be the cost of the works less the assessed contribution.
- 3.6 Priority for DDFA shall be given to persons who are in receipt of an income related benefit, i.e.
  - Income Support.
  - Universal credit.
  - Housing Benefit.
  - Working Tax Credit and/or Child Tax Credit (where your annual income for the purposes of the tax credits assessment was below £15,050).
  - Guaranteed Pension Credit.
  - Income Related Employment Support Allowance not contribution-based ESA alone.
  - Income based Jobseeker's Allowance not contribution based JSA alone.

### **4. Disabled Persons Relocation Assistance (DPRA)**

- 4.1 In situations where major adaptations to a property under a Mandatory Disabled Facilities Grant are not considered cost effective and where the Applicant would consider relocating to a previously adapted or more adaptable property: a Disabled Persons Relocation Assistance (DPRA) may be appropriate

- 4.2 The maximum DPRA grant that will be awarded is £5,000 and is intended to contribute to the cost moving accommodation, for example, estate agent fees, legal costs, surveyor fees, removal costs
- 4.3 Eligible applicants for a DPRA grant must be the owners of the property, which is not cost effective to adapt, and the disabled person must be registered or registerable with the welfare authority. For each case, a cost benefit analysis will be undertaken taking into account the potential cost of adapting the existing property and of adapting any future property in relation to the amount of DPRA provided. It is unlikely that any relocation assistance will be payable if the eligible Disabled Facilities Grant to adapt the new property exceeds £20,000.
- 4.4 Further, eligibility will depend on the Applicant meeting the criteria for a Mandatory Disabled Facilities Grant. Priority shall be given to persons who are over 60 and are in receipt of a benefit that would enable them to be eligible for home maintenance assistance.

**Conditions:** 10-year repayment period if paid by grant, if property sold or otherwise disposed of or parted possession with, registered as a land charge. Separate repayment conditions if assistance is paid by means of loan/equity release registered as a land charge.

## **Appendix A**

### **Conditions: Mandatory Disabled Facilities Grant**

#### *General conditions*

1. Applications for assistance shall be made on the appropriate Council application form and be accompanied by all supporting documents as required.
2. The council will not approve any application for assistance if the relevant works have started before the application is approved
3. Sections 38, 40, 41, 42, 43 and 51 of the Housing Grants, Construction and Regeneration Act 1996 apply.
4. It is a condition of the Disabled Facilities Grant that the Applicant shall notify the Council immediately if equipment installed with grant assistance is no longer needed. Subsequent to this the council may upon providing 21 days written notice access the dwelling in order to inspect the equipment and, where appropriate, remove it.
5. The payment of any assistance is conditional upon any eligible works being carried out to the satisfaction of the council and upon receipt by the council of an acceptable invoice for the works carried out and any ancillary charges or services. All payments will be made direct to the contractor or other agency involved in the provision of any assistance. The Council may, in certain circumstances, make payments to applicants in the form of an instrument (cheque) made payable to the contractor.
6. Payment of any assistance is also conditional on the Applicant taking all reasonable steps when appropriate to pursue any relevant insurance claim or

legal claim for damages in which the cost of the works to the dwelling to which the assistance relates is part of that claim. The Applicant shall repay to the Council any assistance so far as is appropriate out of the proceeds of that claim.

#### *Funding*

7. Budget set on annual basis comprising of specific government allocated funding via Communities and Local Government Department, and a council funded contribution.

#### *Property Charges:*

8. The Local Authority may place limited charges on adapted properties of owner occupiers where the cost of the DFG exceeds £5,000, limited to a maximum charge of £10,000. The charge will be incurred if the property is sold within 10 years.

### **Discretionary Assistance**

#### **Eligibility Conditions**

1. Applications for assistance shall be made on the appropriate Council application form and be accompanied by all supporting documents as required.
2. There is a two-year prior residency requirement and the property must be over 10 years old (does not apply to empty homes/disabled adaptation assistance).
3. Any eligible works are to be carried out in accordance with any specification the Council decides to impose.
4. In applying for assistance, the Applicant(s) are to allow the Council to undertake any steps and enquiries (including external organisations) as they see fit to verify the application, including financial.
5. Works that should be covered by buildings or contents insurance are not eligible. The Council require the Applicant to take all reasonable steps to pursue any relevant claim and to repay the assistance, so far as appropriate, out of the proceeds of such a claim. This condition applies where the relevant claim is an insurance claim, or a legal claim against another person, in respect of damage to the premises to which the assistance relates, or a legal claim for damages in which the cost of the works to premises to which the assistance relates is part of the claim.

#### **Approval Conditions**

6. The Council will not approve any application for assistance if the relevant works have started before the application is approved.

(Except disabled person relocation assistance: the grant will usually be approved when confirmation of ownership of the `new` property has been received by the Council. A request for payment can be submitted immediately because most of the costs incurred in moving will have already been incurred.

7. Where a certificate of owner occupation accompanies an application it is a condition that the dwelling is occupied in accordance with the intention stated in the certificate for the period specified from the certified date of completion of the works. This condition will become binding on any person who is for the first time being the owner of the dwelling (may not apply to empty homes/landlord assistance).
8. It is a condition that the Applicant and grant recipient are required to notify the council of any possible breaches of the above certificates and to give the council any information reasonably requested of them by the Council in that connection. The Council may at any time serve notice upon applicants requiring them to provide within 21 days a written statement showing how the conditions are being met.
9. The assistance is repayable during the specified repayment period if the property is sold or otherwise disposed of or parted possession with; or if there is a breach of the certificate of owner occupation, certificate of intended letting and tenancy referral agreement/nomination agreement. The assistance is registered as a land charge.
10. Clause that applies for charges registered at HM Land Registry

I `In consideration of the Lender in exercise of its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 providing assistance for adaptation or improvement to the Property the Borrower hereby Charges the Property in favour of the Lender to secure repayment of the sum of £xxxxxxx (xxxxxxx pounds) together with simple interest thereon calculated from National Westminster Bank PLC base rate, such interest being payable on redemption of the charge`.

II It is hereby provided that the said charge shall not be enforced unless the Borrower (Mr and Mrs xxx) has sold or otherwise disposed of or parted with possession of or ceased to reside in the Property as the Borrower`s only or principal home.

III After the expiration of the (specified number of years) from the date hereof the said charge shall cease to be enforceable.

The Applicant and grant recipient shall from the certified date of completion throughout the assistance condition period notify the Council of their intention to sell or otherwise dispose of or part possession with the dwelling. Pursuant to this condition the Applicant shall furnish the council with any information reasonably requested by them in connection with such notification.

11. Unless otherwise directed by the Council all eligible works must be carried out by a contractor whose estimate accompanied the application. Where appropriate works undertaken must be insured, the contractor should provide a recognised warranty for any works. It is a condition of any assistance that the eligible works are commenced within six months of the date of the approval. The works should then be completed within a further six months of commencement. These timescales can be extended by the Council in reasonable circumstances upon a written request from the Applicant.
12. The Council may increase (subject to the maximum limit) the estimated amount of assistance if they are satisfied that, owing to circumstances beyond the control of the Applicant, the eligible works cannot be, or could not have been, carried out on the basis of the amount of the expenses originally approved (e.g. when a contractor becomes VAT registered prior to the commencement of any works). The Council may also increase the estimated amount of assistance in the event that the eligible works cannot be or could not have been completed without carrying out additional unforeseen works.
13. Joint signatures are required on the application for properties in joint ownership.
14. The Council does not undertake or accept responsibility for supervision and the standard of the work. The Applicant or appointed agent is responsible for ensuring that the works subject to the assistance are carried out and to the required standard.
15. The Applicant is responsible for ensuring that any necessary Building Regulation/Planning Permission/Listed Building consents are obtained prior to work commencing.

### **Payment Conditions**

16. Payment will be made direct to the contractor/agent on behalf of the Applicant unless the Applicant instructs the Council otherwise in writing.
17. The payment of any assistance is conditional upon any eligible works being carried out to the satisfaction of the Council and upon receipt by the Council of an acceptable invoice for the works carried out and any ancillary charges or services. All payments will be made direct to the contractor or other agency involved in the provision of any assistance.
18. [DFG relocation: relocation costs will not be made prior to the move and applicants must be aware that they may have to fund costs before receiving an assistance payment.]
19. It is a condition of assistance that the eligible works are carried out within twelve months from the date of approval of the application. This period may, however, be extended by the Council if they think fit, particularly where they are satisfied that the eligible works cannot be, or could not have been, carried out without



carrying out other works which could not have been reasonably foreseen when the application was made.

20. Payment of any assistance is also conditional on the Applicant taking all reasonable steps when appropriate to pursue any relevant insurance claim or legal claim for damages in which the costs of the works to the dwelling to which the assistance relates is part of that claim. The Applicant shall repay to the Council any assistance so far as is appropriate out of the proceeds of that claim.
21. In the event that the eligible works have been carried out by a member of the Applicant's family the Council may consider payment towards only the materials used in carrying out the works.

#### **Post Completion Conditions:**

22. In the event of a breach of any of the conditions or fraudulent application the Council may demand repayment from the Applicant of a sum equal to the amount of the assistance paid or, as the case may be, any instalment of the assistance paid.
23. The Applicant shall from the certified date of completion throughout the assistance condition period notify the Council of their intention to sell or otherwise dispose of or part possession with the dwelling. Pursuant to this condition the Applicant shall furnish the Council with any information reasonably requested by them in connection with such notification.
24. Where an applicant has an insurable interest in the property they shall arrange and maintain in effect adequate insurance of the property throughout the condition period. The Applicant shall also take all necessary steps, where they have the duty or power to do so, to ensure the property remains free of any dangerous risks to their or the dwellings occupier's health and safety. In the event of a breach of this condition the Council may demand whole or partial repayment of any assistance.

#### **Information relating to all types of financial assistance**

##### **Fees and VAT**

25. In addition to the actual costs of carrying out any works other reasonable charges necessarily incurred in the undertaking of the works are also eligible to be included as part of any assistance. These may include:
  - Architects or surveyors' fees.
  - Charges for planning permission or building regulation approval.
  - Charges by any agency services for advising on or assisting with the client's application.
26. The Authority will need to determine which fees are eligible for assistance in the same way it assesses the eligible works. In doing so it will consider the

reasonableness of the fees and whether they are properly incurred. The fees will be included up to the maximum amount of assistance available.

### **Request where repayment may not be demanded**

27. The Council may in exceptional circumstances (subject to Cabinet approval) demand a lesser sum. Applications with detailed reasons why repayment should not be demanded must be made in writing.

### **Application Process**

28. The Council will operate a preliminary enquiry system for dealing with applications for housing assistance. This will take the form of an initial enquiry form sent to the potential applicant in addition to the appropriate information. The enquiry form is not a formal application for assistance and is purely a request for service.
29. Upon receipt of the initial enquiry form the Council will assess the Applicant's eligibility for housing assistance and advise them, accordingly, including any contribution towards the cost of the works the client may need to make.
30. Applicants must be over 18 years old.
31. Applications will be accompanied by at least two competitive estimates.
32. The Council will determine which works are eligible.

### **Applications where there is more than one owner**

33. All owners will be required to sign the application form and relevant forms related to conditions, e.g. future occupation, local land charges, land registry charges, etc. Means/income testing will be applied to all owners.

### **Applications outside the Policy**

34. In exceptional circumstances consideration may be given to applications that fall outside the provision of this policy. These applications will be reviewed on a case by case basis and a decision will be made by the Corporate Management Team.

### **Development of the Policy**

This Policy will be subject to periodic reviews. Any amendments will only be necessary in the case of significant change to policy items. The Head of Service for Housing and Communities with the relevant Lead Member will make changes to the policy without the need for formal ratification, where such changes make no significant change to service provision. Any amendments that produce major changes to service provision, those amendments will require approval of the Cabinet before the Policy is changed.

### **Enquires about Assistance**

Enquires about any of the forms of assistance in the policy, and information about how to apply, should be made to Rother District Council, Housing Services Adaptations, Town Hall, Bexhill on Sea, East Sussex, TN39 3JX.

Tel: 01424 787000

Email: [hayley.rootes@rother.gov.uk](mailto:hayley.rootes@rother.gov.uk)

### **Appeals about Decisions**

Appeals about how the policy is operated in individual cases, for example where assistance is refused, will be considered by the Housing Manager, or the authorised officer.