



# Craven District Council

## Housing Renewal Policy 2017/2020

### 1 Policy Aim:

- 1.1 To improve housing conditions across the District
- 1.2 To help people manage their own health & wellbeing and live independently in their communities for as long as possible

### 2 Legal Context:

#### 2.1 Primary legislation:

##### 2.1.1 The Housing Grants, Construction and Regeneration Act 1996

Much of this Act has been repealed by the Regulatory Reform Order (See 2.3 below) in order to remove the “burdens upon local authorities in the exercise of their functions in relation to the provision of financial and other assistance for, or in connection with, the improvement, repair and renovation of housing.”<sup>1</sup>

The remaining legislative framework contained within this Act provides the basis for the provision of Disabled Facilities Grants and loans.

##### 2.1.2 The Regulatory Reform (England and Wales) (Housing Assistance) Order 2002 (the RRO)

The RRO radically changed the way in which government sought to encourage private sector home improvement in England and Wales. The RRO swept away much of the prescriptive nature of previous legislation (See 2.1.1 above), instituting a general power on local authorities to provide “assistance” “in any form” “to any person”, to improve, repair, adapt or rebuild residential premises.

The RRO reflects the view that it is primarily the responsibility of private sector owners to maintain their own property but it recognises that some owners, particularly the elderly and most vulnerable, do not have the necessary resources to repair or improve their homes. Local authorities therefore have an important role to play in providing assistance in these cases.

##### 2.1.3 The Housing Act 2004

The Housing Act includes the method of evaluating the condition of the housing stock (the Housing, Health and Safety Rating System) and a system of mandatory and discretionary licensing for houses in multiple occupation (HMOs) in the private rented sector.

<sup>1</sup> The Regulatory Reform Order 2002 (a) (i)

## **2.2 Other Relevant Legislation**

### **2.2.1 Defective Premises Act 1972**

Imposes on a landlord his/her obligations to the tenant for the maintenance and repair of property etc.

### **2.2.2 Housing Act 1985**

Gives local authorities certain powers to deal with area improvement, slum clearance and overcrowding.

### **2.2.3 Landlord and Tenant Act 1985**

Consolidates certain provisions of landlord and tenant law formerly found in the Housing Acts and Housing and Tenants Act 1962. Includes requirements relating to disclosure of landlord's identity, rent books, fitness for human habitation, repairs and service costs etc.

### **2.2.4 Environmental Protection Act 1990**

Provides authority to take enforcement action where "any premises in such a state as to be prejudicial to health or a nuisance" (EPA 1990 s,79(1)).

### **2.2.5 Protection from Harassment Act 1997**

An Act to make provision for protecting persons from harassment and similar conduct.

### **2.2.6 Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 (England)**

Provides Local Authorities with the power to demand repayment of grant in excess of £5,000 to a maximum of £10,000 if the recipient disposes of the premises for which the grant was given within 10 years of the certified date (Grant completion date).

### **2.2.7 The Equality Act 2010 – Equality Analysis**

The Equality Act requires us to have due regard to eliminating unlawful discrimination, harassment and victimisation. An Equality Analysis has been completed to determine if the introduction of this Policy and procedure will result in a less favourable outcome on any group within the community or unlawfully discriminate in any way. Having carried out the analysis we find that this policy and accompanying procedure will not have any adverse effect on any or all protected groups.

### **2.2.8 The Redress Scheme for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme, etc.) (England) Order 2014**

Makes it a legal requirement for landlords/lettings agents to join a redress scheme so that their tenants can access an independent organisation in the case of complaint.

### **2.2.9 Care Act 2014**

Places a duty on local authorities (upper tier - NYCC) to integrate care and health provision.

### **2.2.10 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Provides Local Authorities with the power to issue remedial notice if landlords do not fit alarms.

### **2.2.11 The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015**

Regulations which require use of a new s21 prescribed form and provide key documents.

### **2.2.12 The Retaliatory Eviction and the Deregulation Act 2015**

Provides greater security for tenants whereby they are protected from eviction for 6 months if the local authority upholds the tenant's complaint regarding repairs/condition of the property and has served relevant notice on the landlord.

## 2.3 Other Relevant Guidance

To assist the decision making process and implementation of this policy the Assessment Checklist and Guidance for Officers has been developed in line with:

### 2.3.1 Delivering Housing Adaptations for Disabled People – A detailed Guide to related legislation, Guidance and Good Practice 2013

This Guidance was commissioned by the Department for Communities & Local Government and provides information about the legal position concerning home adaptations alongside examples and ideas for service delivery.

### 2.3.2 The Disabled Facilities Grant – Before and after the introduction of the Better Care Fund 2016

This report brings together information about the development of DFG, relevant legislation, and the different organisations involved. It looks at the implications of the Better Care Fund introduced April 2014 and makes recommendations about how DFG delivery could be improved.

## 3 Policy context:

### 3.1 National policy context:

#### 3.1.1 National Strategy for Housing in an Ageing Society (2008) – “Lifetime Homes, Lifetime Neighbourhoods”.

In this strategy Government announced their ambitions to build homes to “Lifetime Homes” standards and a vision of Lifetime Neighbourhoods that are fit for all.

The strategy also included the provision of improved advice and information and expanding help for simple repairs and adaptations, with more investment in major home adaptations to support independence.

#### 3.1.2 Cutting the Cost of Keeping Warm – A Fuel Poverty Strategy for England (2015)

This strategy sets out how the government will deliver their fuel poverty target to ensure that as many fuel poor homes as is reasonably practicable achieve a minimum energy efficiency rating of Band C, by 2030.

### 3.2 Sub-regional Policy Context

#### 3.2.1 York, North Yorkshire & East Riding Housing Strategy 2015/2021

This strategy sets out the nine sub-regional priorities for housing growth and delivery. Craven District Council is committed to jointly delivering on the following priorities relevant to our Private Sector Renewal Policy:

#### **THEME: Understanding and Improving the Quality of our Housing Stock**

##### **PRIORITY 4:**

- Via policy Guidance and negotiation, ensure new homes are of high design and environmental quality

##### **PRIORITY 5:**

- Continue to make best use of existing stock and ensure it is of a decent quality to meet the needs of our communities

##### **PRIORITY 6:**

- Ensure all homes have a positive impact on health and well-being and are affordable to run

### 3.2.2 North Yorkshire Joint Health & Wellbeing Strategy 2015 - 2020

The strategy contains a commitment from partner organisations to improve health & wellbeing and ensure that people in all communities in North Yorkshire have equal opportunities to live full and active lives from childhood to later years. It gives direction and sets out priorities for Board partner organisations to include in their own strategies and plans.

## 3.3 Local Policy Context

### 3.3.1 Craven District Council – Council Plan 2017– 2020

**Priority:** Resilient Communities – Enable active communities and improve quality of life  
**Contribution:** Use of education and encouragement, direct and indirect financial assistance to address poor energy efficiency of housing is a contributory factor of fuel poverty and improvements/adaptations to enable households to lead more independent lives or be cared for at home.

### 3.3.2 Craven’s Housing & Homelessness Integrated Action Plan

The local housing delivery plan includes the following relevant key priority areas:

#### **PRIORITY 4: Enabling the provision of more affordable housing**

##### **ACTION:**

**CHH 8** Return empty properties into use and maximise the benefits from the New Homes Bonus

#### **PRIORITY 6: Maintaining and improving existing Housing stock**

##### **ACTION:**

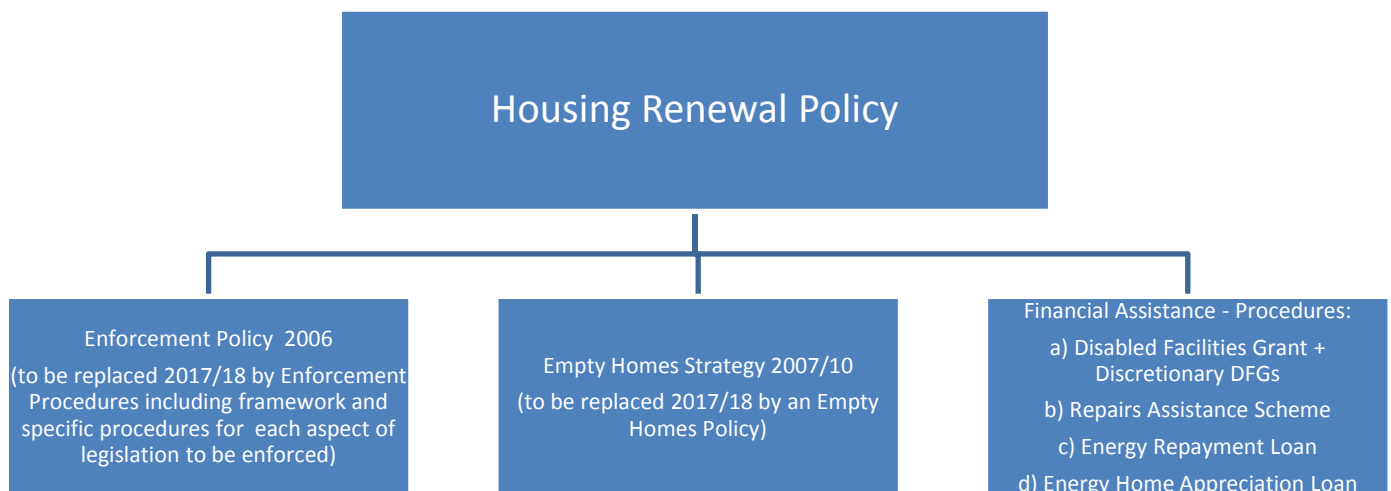
**CHH 11** Maintain and improve existing housing stock by increasing its energy efficiency

**CHH 12** Improve health outcomes and the wellbeing of residents by investing in and improving housing

**CHH 13** Update and deliver the Craven Housing Renewal Policy

### 3.3.3 Environmental Health Services Policy context

This policy is the overarching policy for delivery of Environmental Services and Housing standards and regulatory services.



## 4 The Policy:

This policy outlines the measures available to Craven District Council to achieve our Policy Aim through use of education and encouragement, direct & indirect financial assistance and enforcement.

### 4.1 Education and Encouragement

We will provide information and advice to assist any person to improve, repair, adapt or rebuild residential premises<sup>2</sup>. In doing so, we may enter into partnership arrangements with the voluntary sector, home improvement agencies, health, other local authorities and fuel poverty and energy efficiency partnerships.

We recognise the importance of education and encouragement when working with Private Sector Landlords to uphold legislative requirements<sup>3</sup>. Where possible we seek to resolve issues raised to the satisfaction of both the landlord and tenant in order to achieve tenancy sustainment and reduce homelessness due to the termination of tenancies.

The Council will:

- a) Ensure the availability of information and advice on the Council's website
- b) Provide advice in person
- c) Engage with groups and forums to provide advice to the community and private sector landlords
- d) Work in partnership to disseminate and provide information and advice

### 4.2 Direct Financial Assistance

It is the responsibility of owners to maintain and improve their properties at their own expense. However, the Council recognises that we have a responsibility to provide assistance, particularly to the elderly and vulnerable.

All financial assistance given is subject to:

- a) available funding resources and capacity
- b) written terms and conditions under which assistance will be given

Before giving any assistance the Council will:

- a) provide appropriate advice or information about the extent and nature of any obligation (financial or otherwise) they will be taking on
- b) give regard to the person's ability to afford to make a contribution or repayment.

The Council will/may provide:

#### 4.2.1 Disabled Facilities Grants (DFG):

With effect from April 2015, Disabled Facilities Grant funding was included within the the Better Care Fund (BCF) paid by Department of Communities and Local Government<sup>4</sup> to upper tier local authorities. BCF is a programme spanning both the NHS and local government which seeks to join-up health and care services, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible.

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<sup>2</sup> Regulatory Reform (England and Wales) (Housing Assistance) Order 2002 Article 3 **Power of local housing authorities to provide assistance**

<sup>3</sup> Landlord & Tenants Act 1985; Protection from Harassment Act 1997; The Smoke and Carbon Monoxide Alarm (England) Regulations 2015; The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015; The Deregulation Act 2015

<sup>4</sup> Joint responsibility rests with the Department of Communities and Local Government and the Department of Health

Within two tier areas, the housing authority (i.e. District/Boroughs) and the social care authority (North Yorkshire County Council), have to establish new working relationships to manage the DFG funding element of the Better Care Fund to meet shared objectives within the Health & Wellbeing Strategy. However, the legal responsibility for provision of DFG (a mandatory grant) remains with the local housing authority.

Since 2015/16 annual agreements have been made between NYCC and North Yorkshire Local Authorities to transfer the DFG allocation from the BCF to local housing authorities. Subject to any changes 2018/19 onwards the Council will:

- a) Provide Disabled Facilities Grants in accordance with the purposes, eligibility and test of resources as defined in the Housing Grants, Construction and Regeneration Act 1996.
- b) Provide an optional and chargeable support service to applicants to include form completion, drawing up of schedule of works and contract management.
- c) Ensure that all contractors carrying out DFG works meet the required quality and professional standards.
- d) Register a local land charge on properties where the home owner (s) has been awarded a grant in excess of £5,000. The land charge will be for a period of 10 years. We will seek to recoup grant monies in excess of £5,000 but no more than £10,000 where the applicant disposes of their interest in the property during the condition period.
- e) Seek a 20% contribution from registered providers based on the cost of works only (including VAT if applicable) to their properties. This funding will be used by the Council to supplement the Council's contribution in addition to the Better Care Fund allocation. This will be reviewed periodically.
- f) Use our discretionary powers to remove the requirement for a means test<sup>5</sup> for **Emergency Adaptations** requested by health or social care following an assessment of need. The works must be for the benefit of the disabled person or carer and are required to facilitate discharge from hospital, access care or hospital treatment, alleviate the risk of injury or the disabled person or carer are terminally ill.
- g) Use our discretionary powers to remove the requirement for a means test for **Stair lifts, specialist toilets and associated minor works** where the total value of works recommended by the Occupational Therapist are less than **£5,000**.
- h) Give delegated authority to the Director of Services to make the following decisions/ amendments as agreed with the Lead Member for Housing:
  - i. decisions waiving the requirement to repay grant on grounds of financial hardship
  - ii. changes to Registered Provider contributions
  - iii. amendments to this Policy as required due to changes to DFG delivery, procurement of works or working arrangements with North Yorkshire County Council.

A DFG Grant Checklist and procedural Guidance for DFGs can be found at Appendix A.

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<sup>5</sup> As part of standard DFG application process a standard test of resources is undertaken to determine whether the applicant needs to make a financial contribution toward the cost of the works. This is called a means test.

## 4.2.2 Discretionary Disabled Facilities Grant

Subject to the availability of funding, we seek to provide additional resources to DFG applicants where there is an evidenced outcome contributing towards a more efficient, effective and/or economic service or a health & well-being benefit. Examples of these works could include:

- The cost of temporary accommodation whilst works undertaken
- Relocation costs – as an alternative to adapting current home
- DFG Home Repair Grant – required to alleviate Cat 1 and high Cat 2 hazards<sup>6</sup>

Requests for Discretionary Disabled Facilities Grant will only be received from households in receipt of a DFG or as part of Craven's Health & Wellbeing Initiative - Winter Plus. Each intervention is subject to conditions and requirements as detailed in Appendix B

Subject to any changes 2017/18 onwards the Council will/may:

- a) Provide Discretionary Disabled Facilities Grants in accordance with the right to use its discretion under the Regulatory Reform Order to pay for works under a DFG that may otherwise not be eligible for assistance.
- b) Give delegated authority to the Director of Services, in consultation with the Lead Member, to approve requests for exceptional Discretionary payment recommended by the Principal Occupational Therapist for awards that contribute towards a more efficient, effective and/or economic service or a health & well-being benefit.

A Discretionary DFG Grant Conditions and Requirements can be found at Appendix B.

## 4.2.3 Financial Assistance – Repairs Assistance Loans:

RAS provides loans to homeowners up to £6,000, repayable on the sale of the property, for repairs (roof, windows, heating etc.). Applicants must be on an income-related benefit **and** be aged over 60, disabled, have a long-term illness or children under 16.

The Council will:

- a) Provide Repairs Assistance Loans in accordance with the purposes, eligibility and test of resources as defined in the Repair Assistance Scheme (RAS) procedure.
- b) Provide an optional and chargeable support service to applicants to include form completion, drawing up of schedule of works and contract management.
- c) Ensure that all contractors carrying out RAS works meet the required quality and professional standards.
- d) Register a local land charge on properties where the home owner (s) has been awarded a Repairs Assistance Loan. The land charge will be for a period of the loan. We will seek to recoup all loan monies where the applicant disposes of their interest in the property during the period of the loan.

A Repairs Assistance Loans Checklist & Procedural Guidance can be found at Appendix C.

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<sup>6</sup> See [Housing Health and Safety Rating System – Guidance for Landlords and Property Related Professionals](#)

#### 4.2.4 Energy Repayment Loan Scheme (ERL):

ERL provides interest free loans to homeowners up to £3,000, **repayable** in monthly instalments over 1 to 5 years, for works to address some form of energy efficiency improvement. The Loan is delivered through Sheffield City Council's **Homes and Loans service**. Applicants must be on an income-related benefit **and/or** be aged over 60, disabled, have a long-term illness or children under 16.

The Council will:

- Provide ERL in accordance with the purposes, eligibility and test of vulnerability as defined by the ERL Procedure.
- Provide an optional and chargeable support service to applicants to include form completion, verification of contractors, drawing up of schedule of works and contract management.

Sheffield City Council's Homes and Loans Service will:

- Provide ERL in accordance with the purposes and eligibility as defined in the ERL Procedure
- Register a Legal Charge against the property for the amount of the loan.

An ERL Scheme Checklist and procedural Guidance can be found at Appendix D.

#### 4.2.5 Financial Assistance – Energy Home Appreciation Loan:

These **equity release** loans are only available to households who cannot afford the monthly repayments of an Energy Repayment Loan. The Loan is delivered through Sheffield City Council's **Homes and Loans service**. EHAL provides loans up to £3,000 to low income vulnerable homeowners<sup>7</sup>, repayable on the sale of the property, for work within their properties to address excess cold. Applicants must be aged 18 or over, a homeowner occupying the property and not able to afford or be able to access commercial borrowing.

The Council will:

- Provide EHAL in accordance with the purposes, eligibility and test of vulnerability as defined by the EHAL Procedure.
- Provide an optional and chargeable support service to applicants to include form completion, verification of contractors, drawing up of schedule of works and contract management.

Sheffield City Council's Homes and Loans Service will:

- Provide EHAL in accordance with the purposes and eligibility as defined in the EHAL Procedure
- Register a Legal Charge against the property for the amount of the loan.

An EHAL Scheme Checklist and procedural Guidance can be found at Appendix E.

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<sup>7</sup> Definition of Low income and Vulnerable as defined in Appendix F



### 4.3 In-direct Financial Assistance – Other

To be responsive to identified need, support partners & deliver shared objectives we will take up discretionary powers to provide additional financial assistance for housing adaptations/improvements under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The Council will use these powers to:

- a) Work in partnership with the Better Homes Programme to source and bid for funding under the banner of “Better Homes Yorkshire”. All initiatives will be made available to residents through signposting to the Better Homes Yorkshire delivery partner Keepmoat/Fortem<sup>8</sup>
- b) Support North Yorkshire Health & Wellbeing Strategy and Craven’s emerging Health & Wellbeing Action Plan
- c) Support joint commissioning schemes to address housing and health impacts. In particular we are interested in qualifying projects to address fuel poverty, improve well-being and reduce admissions into hospital
- d) Support joint commissioning of the NYCC Home Improvement Contract to provide advice practical support for vulnerable households to maintain independence and safety within the home for 2017/18.

### 4.4 Enforcement

Local Authorities are responsible for the local implementation and enforcement of the general provision for safety in dwellings through the Housing Health and Safety Rating System (HHSRS). The HHSRS is a risk based evaluation tool to identify risks and hazards, such as damp and excess cold, to health and safety from any deficiencies within the home.

We will only use enforcement action to:

- Help to identify and protect against potential risks and hazards
- Ensure that a property is used for housing – that it is occupied and a managed property

Enforcement action will only be used when information and encouragement and financial assistance options have been exhausted and consideration has been given to the human rights of anyone with an interest in the property.

The Council:

- a) Will use its statutory powers<sup>9</sup> to intervene where housing conditions are unacceptable, particularly in response to complaints from tenants about disrepair in order to make the property safe or allow the Council to take emergency action to make it safe
- b) Will use its statutory powers to require someone to make the property secure or allow the Council to board it up in an emergency
- c) May use Enforced sales procedures<sup>10</sup> to use and enforce charges against a property where someone has failed to meet the terms of a statutory notice or where someone owes Council Tax or other debts to the Council
- d) May use Compulsory Purchase Orders (CPOs)<sup>11</sup> where the property has been empty for two or more years and it is not on the market to let or sell.

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<sup>8</sup> Previously Wilmot Dixon

<sup>9</sup> Section 36 of the Local Government Act 1974

<sup>10</sup> Law of Property Act 1925

<sup>11</sup> Housing Act 1985

See Appendix G– Enforcement Policy 2006 (to be replaced in 2017/18 by Enforcement Procedures including framework and specific procedures for each aspect of legislation to be enforced)

## 5 Reviewing the Policy and Eligibility

This Policy will be reviewed in line with any significant change in legislation, guidance issued by the DCLG or significant case law. Separate to this it will be reviewed every three years.

Policy Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Policy Amendment Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Date of next Review: Oct 2018

### Appendices:

**Appendix A** – DFG Grant Procedure and Checklist

**Appendix B** – Discretionary Disabled Facilities – Conditions and Requirements

**Appendix C** – RAS Loan Procedure and Checklist

**Appendix D** – ERL Energy Repayment Loan Procedure and Checklist

**Appendix E** – EHAL Energy Home Appreciation Loan Procedure and Checklist

**Appendix F** – Low Income and Vulnerable eligibility

**Appendix G** – Enforcement Policy 2006

Other references made within this Policy to documents or further information can be found within the Craven DFG & RAS Procedure and Guidance and their Appendices or via links (internal and external) depending on access permissions to the CDC Housing files of the reader.