



Craven District Council

Housing Renewal Policy

1 Policy Aim:

- 1.1 To improve housing conditions across the District

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Much of this Act has been repealed by the RRO (See 2.3 below) in order to remove the “burdens upon local authorities in the exercise of their functions in relation to the provision of financial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.”¹

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 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 HA 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.

¹ 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 in respect of 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 (See Appendix D) 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 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.

2.2.10 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.

2.2.11 The Retaliatory Eviction and the Deregulation Act 2015

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

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 the:

2.3.1 Home Adaptations for Disabled People – A detailed Guide to related legislation. Guidance and Good Practice

This Guidance provides supplementary information required to deliver a quality service within a context of financial constraints and policy change, delivering help with home adaptations in the most efficient and effective way and making best use of scarce resources.

3 Policy context:

3.1 National policy context:

3.1.1 National Strategy for Housing in an Aging 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

The vision of this strategy is that “people in all communities in North Yorkshire have equal opportunities to live long healthy lives. It gives direction and sets out priorities for Board partners organisations to include in their own strategies and plans.

3.3 Local Policy Context

3.3.1 Craven District Council – Council Plan 2015 – 2018

Priority: Greener Craven

Contribution: Use of education and encouragement, direct and indirect financial assistance to address poor energy efficiency of housing which is a contributory factor in causing Craven’s carbon emissions and fuel poverty.

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

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

PRIORITY 1: Enabling the provision of more affordable housing

ACTION:

CHHSAP 2 Return empty properties into use and maximise the benefits from the Empty Homes Reserve

PRIORITY 4: Maintaining and improving existing Housing stock

ACTIONS:

CHHSAP 3 Improve health outcomes and the wellbeing of residents by investing in and improving housing in Craven

CHHSAP 4 Increase energy efficiency of housing across Craven

CHHSAP 5 Review and update the Private Sector Renewal (PSR) Policy

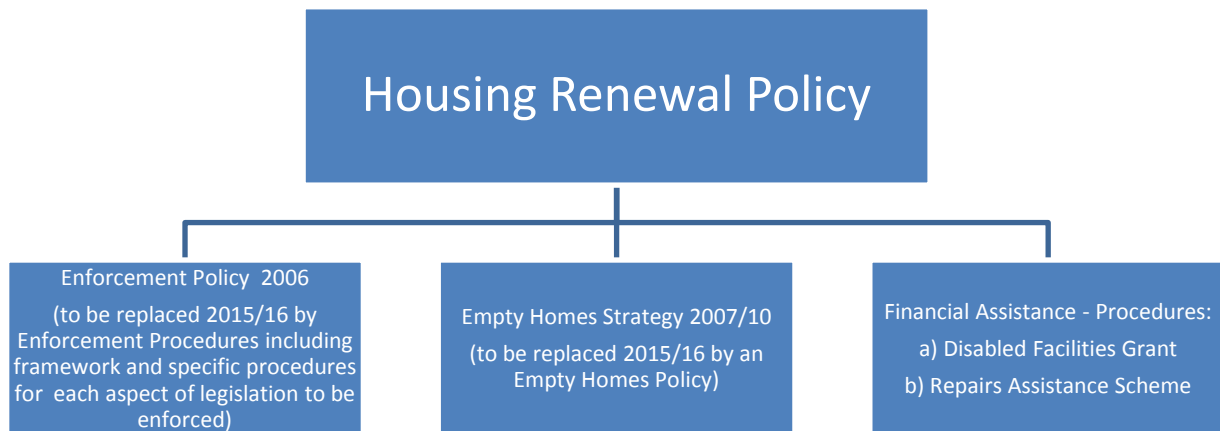
Targets

The following targets have been agreed for 2015/16 onwards:

Reference	Description	Targets		
		2015/16	2016/17	2017/18
CHHSAP 1	Vacant dwellings returned to occupation or demolished (excluding Bond & Rent In Advance)	10	12	14 ²

3.3.3 Environmental Health Services Policy context

This policy is the overarching policy for delivery of Environmental Health’s Housing standards and regulatory services.



4 The Policy:

² Indicative targets only – to be set each year as part of Action Plan and Target Setting process

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 premises³. 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 requirements⁴. 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):

The DFG funding allocation from Department of Communities and Local Government has been included within the Better Care Fund (BCF) wef 1 April 2015 and is paid to upper tier local authorities. 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 because the legal responsibility for provision of DFG (a mandatory grant) remains with the local housing authority.

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

⁴ 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

For 2015/16 agreement was made to transfer the DFG payment from the BCF to local housing authorities. Subject to any changes 2016/17 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. (This service is currently contracted out to Yorkshire Housing Home Improvement Agency under the NYCC Supporting People Handyperson Contract 2014/15-2016/17)
- c) Ensure that all contractors carrying out DFG works meet the required quality and professional standards. Verification to be carried out by Yorkshire Housing or in the case of offset grants⁵ where the contractor has not already been verified by Yorkshire Housing – they must be verified by the Council
- 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 annually.
- f) Give delegated authority to the Head of Environmental Health & Housing to make the following decisions/minor amendments as agreed with the Lead Member for Housing:
 - i. decisions wavering the requirement to repay grant on grounds of financial hardship
 - ii. changes to Register Provider contributions
 - iii. minor changes to this Policy as required to improve service delivery

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

4.2.2 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. (This service is currently contracted out to Yorkshire Housing Home Improvement Agency under the NYCC Supporting People Handyperson Contract 2014/15-2016/17)
- c) Ensure that all contractors carrying out RAS works meet the required quality and professional standards. Verification to be carried out by Yorkshire Housing or in the case of offset grants⁶ where the contractor has not already been verified by Yorkshire Housing – they must be verified by the Council
- 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

⁵ Offsets grants are where DFG works are a composite part of major works funded by the applicant. E.g. DFG works to a bathroom as part of a 2 storey extension

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seek to recoup all loan monies where the applicant disposes of their interest in the property during the period of the loan

- e) Levy a charge to cover the Council's Legal costs (2015/16 rate = £50)

A RAS Loan Checklist and procedural Guidance for RAS can be found at Appendix B.

4.2.3 Financial Assistance – Empty Homes Reserve Initiative

Empty and redundant buildings - about importance bring back into use – we seek to improve and retain- making best use of stock and bring back into use

The Council will:

- a) Promote opportunities to registered providers to acquire/lease and refurbish/renovate empty properties⁷
- b) Where owners have no intention to bring empty properties into use we will seek to encourage them to dispose of them to Registered Providers
- c) Provide grants to Registered Providers for the purchase and renovation of private sector housing
- d) Place a local land charge on properties where the registered provider has been awarded assistance from the Empty Homes Reserve. The land charge will be for a period of the registered provider's ownership and/or use for social housing. We will recoup all Empty Homes Reserve monies where the registered provider disposes of their interest in the property.

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/Wilmott Dixon
- 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

CASE STUDY: In 2014/15 The Council supported the Innovation Fund in partnership with North Yorkshire County Council's Health & Wellbeing Board and the Airedale, Wharfedale and Craven Clinical Commissioning Group to provide a £10,000 Crisis Fund for vulnerable households at risk of winter deaths and/or fuel poverty

- d) Support joint commissioning of Handy Persons Scheme to provide practical support for vulnerable households to maintain independence and safety within the home.

4.4 Enforcement

⁷ Action within the Housing & Homelessness Integrated Action Plan CHH 9 15/16

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 powers⁸ 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 procedures⁹ 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)¹⁰ where the property has been empty for two or more years and it is not on the market to let or sell

See Appendix C – Enforcement Policy 2006 (to be replaced in 2015/16 by Enforcement Procedures including framework and specific procedures for each aspect of legislation to be enforced)

5 Financial Resources

The following table details the financial commitments to support the Policy:

Project	2015/16	2016/17	2017/18	2018/19	2019/20
Advice & Encouragement	Staff time only – from staffing resources within the Environmental Health team				
Indirect Financial Assistance					
a) Handyperson Scheme	£10,000	£10,000	£10,000*	£10,000*	£10,000*
Financial Assistance- Direct					
a) Disabled Facilities Grant	£121,182	£ 121,182	£ 121,182	£ 121,182	£ 121,182
b) Repairs Assistance Scheme	£ 14,163**				
c) Empty Homes Reserve	£340,000***				
Enforcement	Staff time only – from staffing resources within the Environmental Health & Legal teams. Full cost recovery of enforcement action required to make property safe to be sought from landlord/owners.				

*Subject to re-negotiation following expiry of Handypersons Supporting People Contract

**RAS Budget resourced by funds recycled when properties are sold or loan repaid by the applicant

*** £150,000 spent Q1/Q2 2015/16 and £60,000 already committed. Residual budget i.e. £130,000 for 2016/17 to transfer into following year (s) – Note: 10% of the total New Homes Bonus budget was allocated to the original Empty Homes Reserve.

6 Reviewing the Policy and Eligibility

⁸ Section 36 of the Local Government Act 1974

⁹ Law of Property Act 1925

¹⁰ Housing Act 1985

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 five years.

Policy Approved by: _____ Date: _____

Date of next Review: June 2018

Appendices:

Appendix A – DFG Grant Checklist and procedural Guidance

Appendix B – RAS Loan Checklist and procedural Guidance

Appendix C – Enforcement Policy 2006

Appendix D – Equality Analysis

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.