

# **PRIVATE HOUSING ASSISTANCE POLICY**

**2018-2023**

## FORWARD

The Selby District Council Private Housing Assistance Policy 2018-2023 (the Policy) is made under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 Statutory Instrument No.1860 (the RRO).

The RRO radically changed the way in which government sought to encourage private home improvement in England and Wales. The RRO swept away much of the prescriptive nature of previous legislation (The Housing Grants, Construction and Regeneration Act 1996) and replaced it with a general power allowing 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 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.

The policy works within the current legislative and financial framework to contribute to providing a decent home for all current and future residents of Selby District through various advice, support and assistance mechanisms whilst aiming to give priority to those most vulnerable households.

The policy will continue to evolve as existing commitments are fulfilled and local, regional and national research and policy developments take place and will be reviewed and updated accordingly.

## 1.0 INTRODUCTION

### 1.1 Policy Aims

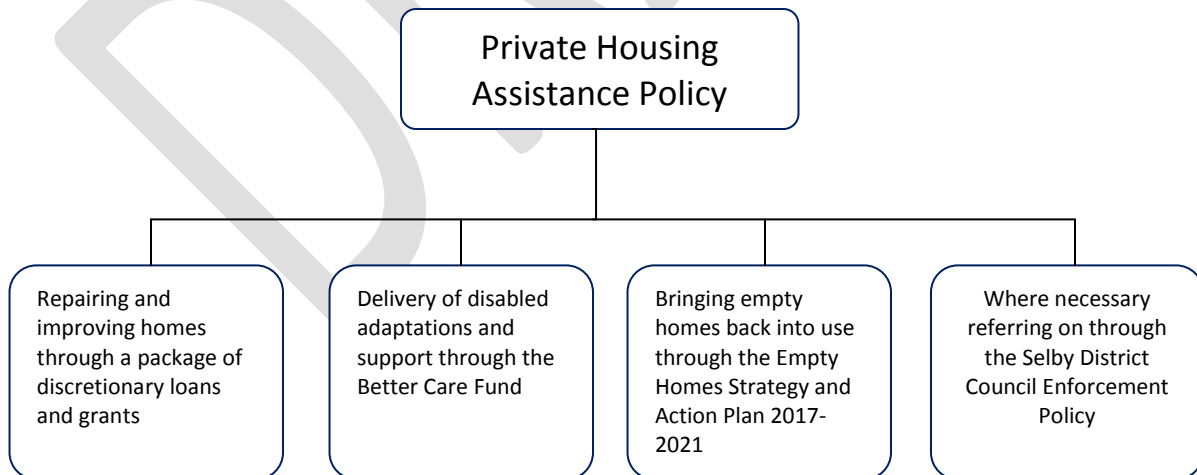
1. To improve housing conditions across the District;
2. To help people manage their own health & wellbeing and live independently in their communities for as long as possible.

Prosperous and sustainable communities need good quality homes that are decent and safe and that meet the needs of the people who live in them. The location, type and quality of the homes people occupy can have a significant impact on all aspects of their lives.

The aim of this policy is encourage the improvement in private housing choice and quality across the district through the use of support and assistance mechanisms, whilst ensuring that where appropriate and necessary enforcement action is taken in line with the Council's Corporate Enforcement Policy.

### 1.2 Policy context

This Policy provides the overarching focus for the Council's private housing assistance service and sits at the forefront of much that we want to achieve;



It also links to the following specific policies at a National, Sub-regional and a local level.

## National

### **Integration and Better Care Fund Policy Framework 2017 to 2019**

This document sets out the policy framework for implementation of the statutory Better Care Fund in 2017 to 2019 and seeks to outline how best to deliver the Better Care Fund at a local level and in partnership with others.

### **Cutting the cost of keeping warm – a Fuel Poverty Strategy for England (2015)**

A strategy that 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.

## Sub-regional

**York, North Yorkshire & East Riding Housing Strategy 2015-2021** - This strategy sets out the nine sub-regional priorities for housing growth and delivery. Selby District Council is committed to jointly delivering on the following priorities within the theme “Understanding and Improving the Quality of our Housing Stock”.

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.

**North Yorkshire Empty Property Strategy & action plan** – This strategy aims to reduce the number of long-term empty homes across the sub-region through a co-ordinated approach and has for key objectives:

- Developing new, and strengthening existing partnerships
- Improve the quality and consistency of empty property management
- Improve the range of assistance available to owners
- Improve the quality of advice and information available to owners

**North Yorkshire Joint Health & Wellbeing Strategy 2015-2020** - 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.

## Local

Locally, the Private Sector Housing Assistance Policy links to the **Selby District Council Corporate Plan 2015-2020** through Priority 2 -To enjoy life, by ensuring

more housing needs are met; empty homes are brought back into use; and more affordable properties are developed.

**Selby District Council Housing Strategy Action Plan** - Our local housing delivery plan includes the following relevant key priority areas:

Priority 2 – Ensure that our housing stock reflects the needs of communities across all areas of Selby district

Priority 3 – Ensure that our housing stock meets the diverse needs of our communities at all stages of their lives

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

Priority 7 - Continue to reduce Homelessness

Priority 9 – Provide appropriate Housing and Support for those with Specific Needs

**Selby District Council Empty Homes Action Plan** – Our local action plan sets out our approach to bringing empty homes back into use and includes the following relevant areas:

- Proactively working with landlords to help them resolve any issues that are preventing an empty property from being returned to the market for sale or rent
- Supporting landlords or home owners to access funding or grants for improvement work, where this will enable the property to be brought back into use
- Mutually-agreed purchase of a property to enable the Council or another housing provider to bring the property back into use

### 1.3 **Legal Context**

#### **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (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 below), instituting a general power allowing local authorities to provide “assistance” “in any form” “to any person”, to improve, repair, adapt or rebuild residential premises.

**The Housing Grants, Construction and Regeneration Act 1996** - Much of this Act has been repealed by the RRO 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.”

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

**The Housing Act 2004** - The Housing Act covers the national minimum standard for housing standards (currently the Housing, Health and Safety Rating System) and also covers the mandatory and discretionary licensing for houses in multiple occupation (HMOs).

## **2.0 THE POLICY**

2.1 This policy outlines how Selby District Council, through a mix of support, financial assistance (and enforcement\*), will seek to;

- ❑ Help owner-occupiers to maintain and repair their homes;
- ❑ Assist people whose independence may be at risk to remain in or return to their homes;
- ❑ Boost domestic energy efficiency and reduce the number of households in fuel poverty;
- ❑ Encourage private landlords to provide good quality and well managed properties for their tenants;
- ❑ Maximise the use of the existing housing stock to increase housing choice across the district.

\* Enforcement protocols are covered in the Council’s Enforcement Policy.

### **2.2 Encouragement and Support**

We will provide information and advice to assist any person to improve, repair, adapt or rebuild residential premises. In doing so, we may enter into partnership arrangements with others, including partner local authorities, health and fuel poverty related organisations and with the voluntary sector.

We recognise the importance of education and encouragement when working with private sector landlords and owners of empty properties to uphold legislative requirements and to improve standards and increase housing choice.

Where possible we seek to resolve issues between landlord and tenant in order to achieve tenancy sustainment and reduce homelessness due to the termination of tenancies.

We also seek to help owners of empty properties overcome difficulties in selling, renovating and ultimately re-occupying empty homes.

The Council will provide support in a number of ways including by:

- Ensuring the availability of information and advice on the Council's website;
- Providing advice in person;
- Engaging with groups and forums to provide advice to the community and private sector landlords;
- Working in partnership to distribute information and advice.

## **2.3 Financial Assistance**

It is the responsibility of owners to maintain and improve their properties at their own expense. However, the Council recognises that there may be occasions when it is both necessary and appropriate to provide financial assistance to support this work. All financial assistance given is subject to funding being available and terms and conditions relevant to the type of assistance being applied for.

The Council will consider all enquiries for financial support and may choose to offer assistance through one or through a mix of the following support options.

### **2.3.1 Disabled Facilities Grants (DFG):**

This grant is available to owner occupiers and tenants\* to help adapt their home to meet the needs of a disabled occupant. Landlords may also apply for a DFG on behalf of a disabled tenant.

The aim of a DFG is to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the facilities and amenities in it. Typical work might include the provision of a stair-lift, the replacement of a bath with a level access shower or provision of ramps to main entrance doors.

Eligibility for grant is based on an assessment of the disabled person's need carried out by an Occupational Therapist.

DFG is a mandatory entitlement and the Council cannot refuse an application which fulfils the eligibility criteria. They are, however, subject to a legal

maximum grant limit of £30,000 and to a mandatory Test of Resources to determine the level of any financial contribution to be made by the applicant.

The DFG funding allocation from Department of Communities and Local Government is currently contained within the Better Care Fund (BCF) which is paid to upper tier local authorities. Within two tier areas the housing authority (i.e. Selby District Council) and the social care authority (North Yorkshire County Council) have established new working relationships to manage the DFG funding as the legal responsibility for provision of DFG remains with the local housing authority.

### **2.3.2 Discretionary Adaptations Assistance**

Whilst the Mandatory DFG is subject to a test of resources, the Council will use its discretionary powers to provide a Discretionary DFG without a test of resources for all works costing under £5,000. Eligibility for the grant is still based on an assessment of the disabled person's needs carried out by the Occupational Therapist. This is expected to speed up the process for installation of the most common adaptations such as stairlifts and level access showers.

In addition, we may offer further financial assistance where the cost of eligible works exceeds the legal maximum DFG limit of £30,000. In these circumstances the applicant may be eligible for an interest free loan of up to £10,000 to top-up the DFG. Other options for additional funding (ie: charitable funding) will also be considered in such cases.

### **2.3.3 Repairs Assistance Scheme (RAS) Loan**

The Repair Assistance Scheme is a discretionary loan available to homeowners to provide urgent/emergency repairs to alleviate imminent health and safety hazards. Loans are available up to £6,000. The loan is available to those unable to afford monthly repayments and is repayable upon sale of the property.

Loans are available if the relevant person is the freeholder of the property or is a leaseholder with at least 50 years remaining on the lease. The loan amount is subject to a Test of Resources to determine the level of any financial contribution to be made by the applicant.

### **2.3.4 Empty Homes Grant/Loan**

The Empty Homes Loan is available to help home-owners bring their long-term empty properties back into use. The property must be in a location and be of a type/size that the Council deem to be appropriate to the housing needs of the



district. Owners can borrow up to £15,000 per property interest free, with no repayments during the loan period, no interest charges and no charges for early repayment. Loans are available if the relevant person is the freeholder of the empty property or a leaseholder with at least 50 years remaining on the lease.

An Empty Homes Grant is available to owners who agree to let the property throughout a five year period at an affordable rent to tenants with a local connection on a minimum twelve month fixed-term, assured shorthold tenancy. Freeholders of an empty property or a leaseholder with at least 50 years remaining on the lease may receive up to £15,000 per property

### **2.3.5 Energy Repayment Loan**

The Energy Repayment Loan aims to help homeowners undertake work within their properties to address excess cold. Owner Occupiers can borrow between £500 and £3000 interest free. The loan is subject to monthly repayments. This loan is funded from recycled regional housing board funding which may be topped up by Selby District Council funding. The loan is administered by The Homes and Loans service which is operated by Sheffield City Council, on behalf of the Local Authorities across the Yorkshire and The Humber regions.

Loans are available if the relevant person is the freeholder of the property and also occupies the property at the time of application.

### **2.3.6 In-direct Financial Assistance**

Where appropriate we may use discretionary financial powers to support partners in the delivery of regional/sub-regional shared housing objectives 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 relevant Better Homes Yorkshire delivery partner.
- b) Support the North Yorkshire Health & Wellbeing Strategy and to Support joint commissioning schemes to address housing and health impacts

## **3.0 RESOURCING THE POLICY**

- 3.1 It is generally agreed that the primary responsibility for repairing and maintaining homes must rest with the property owner. However, the Council may use a mixture of its own capital funding, Better Care funding and appropriate third

party grant funding to provide financial support to those households or individuals who require our help and support.

3.2 Several agencies across the district will work closely together to help encourage and support this investment.

### 3.2.1 **Selby District Council**

- Provides general advice and information to owners, landlords and tenants regarding legal rights and responsibilities and home maintenance issues;
- Provides wider planning and neighbourhood management services to create safe and sustainable communities;
- Provides advice and help to elderly, disabled and vulnerable people to remain independent in their own homes by identifying necessary repairs, and carrying out work through the Council's grant and loan initiatives.
- Supports and promotes the work of partnership organisations to deliver housing improvements;
- Implements enforcement powers granted under the Housing Act 2004, used as a last resort, to ensure owners maintain properties to relevant standards, address anti social or nuisance behaviour and tackle long term empty properties.

### 3.2.2 **Yorkshire and Humber Homes and Loans Service**

- Administers the regional loan scheme on behalf of the Council.
- Uses it's expertise to develop new loan products to target regional housing priorities.

### 3.2.3 **Better Homes Yorkshire**

- Promotes energy efficiency and provides free, impartial, locally relevant advice on what people can do in their home to reduce energy costs and to access available energy efficiency financial support.

### 3.2.4 **North Yorkshire Adult and Community Services**

- Provides specialist guidance and financial top-up support through the Occupational Therapist service towards the administration of the Disabled Facilities Grant.
- Provides minor disabled adaptations and equipment as necessary.
- Provides a range of Telecare services.

### 3.2.5 North Yorkshire Fire and Rescue Service

- Provides fire safety checks for vulnerable households.
- Assists with the inspection of Houses in Multiple Occupation (HMOs) and helps deliver the North Yorkshire Fire Safety Standard.

## 4.0 GENERAL PROVISIONS RELATING TO THE POLICY

4.1 This Private Housing Assistance Policy has been developed to comply with the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and Government guidance and to provide the necessary framework to deliver key housing aims of the Council. The Council will ensure that services identified within it are directly accessible through the Council and/or our partner organisations.

4.2 The following general provisions will apply throughout the policy:

- Before any financial assistance is provided, Selby District Council will set out in writing to each person the terms and conditions relating to such assistance.
- A person's ability to contribute towards or repay any assistance is taken into account.
- Clear details will be given in writing to any applicant for financial assistance of any fees and charges that will be levied prior to any works commencing.
- Risk and fraud is minimised by following Government's Housing Renewal Guidance and working closely with the North Yorkshire Audit Team.
- Financial assistance would not normally be available to improve, adapt or repair living accommodation of Registered Social Landlords (RSLs) on the basis that RSLs should have robust business plans which will ensure their properties meet the Government's Decent Homes Standard. The only exception to this provision will be in the provision of assistance through mandatory Disabled Facilities Grant. Applications for Disabled Facilities Grant will be considered from RSL tenants. However in such instances Selby District Council will expect the RSL to have explored all alternative solutions prior to encouraging such an application.
- Payments of financial assistance will normally be made on full and satisfactory completion of works with the discretion to make interim

payments for actual work undertaken resting with the Authority. To safeguard against fraud, payments will normally be made direct to the contractor. However, Selby District Council reserves the right to make payment to the applicant in certain circumstances.

### **4.3 Complaints Procedure**

- 4.3.1 A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, administrative actions or lack of such action by Selby District Council or their member of staff affecting an individual customer or group of customers.
- 4.3.2 Any individual is entitled to exercise their right to complain regarding their dissatisfaction with the services that they have received from Selby District Council. All complaints about services will be dealt with in line with the Council's Corporate Complaints procedure.

### **4.4 Appeals Procedure**

- 4.4.1 The appeal process is available to anyone who is dissatisfied with an officer's decision made in line with the Private Housing Assistance Policy. The process will also apply in cases where Selby District Council is seeking repayment of financial assistance under conditions which were set out at the time the assistance was given, but the person from whom the repayment is being sought wishes Selby District Council to consider waiving the repayment.
- 4.4.2 Appeals on issues relating to Energy Repayment Loans should be made in writing to Selby District Council, stating the nature of and the reasons for the appeal. The appeal will then be considered by the Special Cases Panel of the Homes and Loans Service. The Regional Loans Manager will notify the appellant of the outcome of the appeal giving full reasons for the decision.
- 4.4.3 Appeals on issues relating to all other assistance schemes should be made in writing to Selby District Council, stating the nature of and the reasons for the appeal. The facts of the case will be reviewed by the relevant Head of Service and Service Manager who will notify the appellant of the outcome of the appeal giving full reasons for the decision.

4.4.4 In all cases Selby District Council may request any additional information as necessary from the appellant for a fully informed decision to be made on the matter.

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