

Harlow Council

Housing Assistance Policy December 2023

Version 2 Effective 1 December 2023

Harlow Council policy for assisting residents with disabilities in private sector housing under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Ensuring that the homes of people with disabilities are as well-adapted as is practicable to their housing needs is important to wellbeing, reducing inequality and increasing independence.

As a landlord, Harlow Council can make arrangements to adapt its own housing. As a local housing authority, Harlow Council can work with other social and private sector landlords and owner occupiers to adapt existing housing.

Adapting an existing home is the way forward usually preferred by residents with disabilities and is a far better use of resources than alternatives such as institutional care or extended home-care packages.

Harlow Council meets most needs for home adaptation outside its own stock by providing Disabled Facilities Grants, set out in the legislation. However, it does have discretion to provide help beyond the definitions given in the grant legislation, provided that it does so in accord with its own published policy.

The purpose of this policy is to allow Harlow Council, subject to the availability of resources from the Better Care Fund, to extend the scope of the help that it can give.

This policy supersedes any previously published policy for assisting residents with disabilities in private sector housing under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

2 TYPES OF ASSISTANCE

A: Assistance that will be offered in all circumstances

Mandatory Disabled Facilities Grants

Qualifying residents are entitled to a means tested disabled facilities grants of up to £30,000 as set out in the grant legislation and that entitlement is in no way diminished by anything in this policy. Making such disabled facilities grants available will continue to be the Council's priority when allocating resources made available for home adaptations for people with disabilities.

B: Discretionary assistance that will be offered subject to the availability of financial resources and are such that the Welfare Authority would consider them to be necessary and appropriate adaptations to the home for the relevant resident(s) with disabilities.

i. Fast Track Grants

A grant of up to £15,000 towards the cost of providing safe access to a home and between levels in a home necessary to permit prompt discharge from hospital, or to avoid the risk of hospital admission due e.g., to falls. Safe access works eligible are provision of stairlifts and modular ramps, door widening, modification of step and threshold details with necessary preliminary and ancillary works. There is no means test.

ii. Discretionary Disabled Facilities Grant

This discretionary grant enables any adaptation (not covered under the Fast Track Grant in (i) above) e.g., wet rooms, costing £15,000 or less to be provided without a means test if it has been assessed as necessary and appropriate by an Occupational Therapist and meets all the other criteria and considerations and subject to sufficient funds being available.

iii. Discretionary Small Works Grants

Grants of up to a total of £10,000 in any 3-year period for people with disabilities ^{*1}. to pay for:

- repairs to existing adaptations made necessary through age or fair wear and tear where the occupier has repairing responsibility.

and for people with disabilities in receipt of specified benefits ^{*2}. to pay for

- Walk-in showers
- improving heating and ventilation,
- miscellaneous small works to prevent falls and improve home safety.

iv. Discretionary top-up for Small Works Grant

Grant for people with disabilities who would be eligible for small works grant, where there is no other non-vulnerable adult in the household, and where the cost of eligible works exceeds the £10,000 small works grant limit.

v. Discretionary top-up for Children's Disabled Facilities Grant

Grant of up to £30,000 to top-up Disabled Facilities Grant for a child so that the maximum cost of grant-eligible works is increased from £30,000 to £60,000. There is no means test.

vi. Discretionary top-up for Adult's Disabled Facilities Grant

Grant of up to £30,000 to top-up Disabled Facilities Grant for an adult so that the maximum cost of grant-eligible works is increased from £30,000 to £60,000. The statutory test of resources that applies to DFG would apply to the DFG and the Top-up grant taken together.

C: Discretionary relocation assistance that will be offered subject to the availability of financial resources and subject to the conditions set out below

A grant of up to £10,000 to assist with the eligible costs of moving to a more suitable home where it is not reasonable and practicable to adapt the existing home, or where the applicant prefers to move to another home in Harlow rather than to adapt the existing home relocation grant will be limited to the cost of the assistance that Harlow Council would otherwise provide under this policy.

Harlow Council and the Welfare Authority must be satisfied that the proposed property already meets the needs of the disabled person without further adaptation or that it would be reasonable and practicable to suitably adapt it.

If the new home is in Harlow, assistance with its adaptation will be available in accord with this policy, however if relocation grant is sought due to the preference of the applicant, the total cost of assistance available under this policy will be no more than would have been offered to adapt the existing home.

The costs of moving eligible for assistance include estate agents' fees, legal costs, and removal costs.

If on any sale of the applicant's existing property, a surplus over the purchase cost of a new property is generated, then this is to be applied to the relocation expenses mentioned above before any relocation grant would be considered.

The new home is to be only or main residence of the relevant person with disabilities. Only one relocation grant will be awarded per applicant.

Relocation Grant paid will become repayable if the relocation is not completed due to the applicant's choice or actions, or if having moved, the applicant moves again within 5 years.

3. Discretionary Assistance

The maximum amount of mandatory DFG was set by statute in 2008 at £30,000. Since this time there has been a general increase in build costs for major adaptations such that in some instances £30,000 is insufficient to provide adaptations to meet the needs of the disabled person and their family. If the cost of necessary works exceeds the mandatory grant of £30,000 plus the appropriate children's or adults top up of £30,000 then the small works grant of up to £10,000 can be applied. This brings the total amount to £70,000. If the grant adaptations include safe access or between level, then the amount can be further increased with a Fast Track Grant bringing the total to £85,000. In exceptional circumstances it may be necessary to exceed the respective £70,000 or £85,000 limits. This will be considered on case-by-case basis, following consultation with the relevant Occupational Therapist, and will require Councilor Portfolio Holder authorization.

4. Abortive Works

This term relates to situations where pre-application or pre-approval professional fees have been incurred. In addition, it is where a DFG application has been aborted before all works have been completed, e.g., where a grant application hasn't progressed or where the applicant has died. In such circumstances, consideration will be given to payment of a proportion of the grant assistance in line with current legislation and guidance and at the discretion of the Environmental Health Manager. This payment is intended to cover reasonable professional fees and associated charges where services engaged to advise on what works are required and specialist technical e.g., Structural Engineer fees, surveyor fees or similar to determine if a DFG project is feasible.

5. Repayment of mandatory Disabled Facilities Grant

In accordance with legislation, the Council may apply a limited charge on the property, registered with Local Land Charges when it provides a mandatory DFG to the owner of a home. Harlow Council will not impose a charge unless the mandatory grant spend exceeds £15000. The legislation governing approval and payment of disabled facilities

grants allows for repayment of individual grants up to a maximum repayable sum of £10,000 if the property is disposed of through sale, assigned or transfer to another person within 10 years of the completion of the works funded through the DFG.

In some cases, specific considerations of an applicant's circumstances in relation to any such disposal will be considered. The factors the Council have regard to are as follows:

- a) The extent to which the recipient of grant would suffer financial hardship were he/she required to repay all or any part of the grant;
- b) Whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of their employment;
- c) Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the recipient of the grant or of a disabled occupant of the premises; and
- d) Whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.
- e) Moving to a property that facilitates a more appropriate care setting for the applicant.

Having considered the above circumstances, Harlow Council may at its discretion considering all the facts available to it and whether the recipient would face financial hardship, require some, all or none of the grant to be repaid to the Council.

6. Repayment of Discretionary Grants

No Local Land Charges will be applied in relation to the Fast Track Grants and the discretionary grants for up to £15,000 (with no means test).

* 1. "People with disabilities" for the purposes of this policy means people who are, or who are entitled to be registered disabled, and people receiving Severe Disablement Allowance or Disability Living Allowance of any sort.

* 2. "Specified benefits" for the purposes of this policy means Guarantee Pension Credit, Income Support, Joint Claim Job- Seekers Allowance, Universal Credit, Income Based Employment Support Allowance, Income Based Job-Seekers Allowance, Working Tax Credit or Child Tax Credit with an income less than £15,050 per year, Income Support or Employment Support Allowance and any benefit of substantially similar effect that from time to time may replace any of the above