

# Harlow Council

## Housing Assistance Policy July 2024

## 1 INTRODUCTION

### **Harlow Council policy for assisting disabled people in private sector housing under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002**

Ensuring that the homes of disabled people are as well-adapted as is practicable to their housing needs is important to enable them to stay well, safe and independent for longer.

As a landlord, Harlow Council can plan 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 disabled people and is a far better use of resources than alternatives such as a prolonged stay in a formal care setting or extended home-care packages.

Harlow Council meets most needs for reasonable requests for home adaptations outside its own stock by providing Disabled Facilities Grants (DFGs), 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 accordance 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 disabled people 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 grant 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 disabled people.

**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 disabled person(s).**

#### **i. Fast Track Grants**

A grant of up to £30,000 towards the cost of providing safe access to a home, and between levels in a residence, helping to increase the likelihood of prompt discharge from hospital, or to avoid the risk of admission to a formal care setting due to falls or other incidents as a direct result of the built environment. Safe access works eligible are provision of: stairlifts and modular ramps; door widening; and the 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, for example wet rooms) costing £30,000 or less, to be provided without a means test if it has been: assessed as necessary and appropriate by an Occupational Therapist; signed off as meeting all the other criteria and considerations; and gone through an assessment that confirms sufficient funds will be made available.

## **iii. Discretionary Small Works Grants**

Grants of up to a total of £10,000 in any 3-year period for disabled people<sup>\*1</sup> – to pay for:

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

for disabled people in receipt of specified benefits<sup>\*2</sup> – to pay for:

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

## **iv. Discretionary top-up for Small Works Grant**

Issued only to those disabled people who would be eligible for a 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**

An award of up to £30,000 can be issued to top-up the Disabled Facilities Grant for a child, which means 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**

Funding of up to £30,000 to top-up the Disabled Facilities Grant for an adult, which means that the maximum cost of grant-eligible works is increased from £30,000 to £60,000. The statutory test of resources that applies to the 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 £20,000 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 property in Harlow rather than to adapt their existing home. The 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 accordance with this policy, however, if a 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 that are 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 the only or main residence of the relevant disabled person named as the applicant who can demonstrate they live at the property that will undergo adaptation. Only one relocation grant will be awarded per applicant.

A Relocation Grant that is 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 that 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 authorisation from the Councillor who is the responsible Portfolio Holder.

### **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, for example, 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 & Corporate Health & Safety 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, for example, 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 £15,000. 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 transferred 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 from (The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008):

- a) The extent to which the recipient of the 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;
- d) Whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or diagnosed with an impairment 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 impairment; and
- 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 £30,000 (with no means test).

\* 1. "Disabled people" 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 Jobseekers Allowance, Universal Credit, Income Based Employment Support Allowance, Income Based Jobseekers 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.