



**CHESTERFIELD**  
BOROUGH COUNCIL

Housing Renewal  
Policy  
2021 – 2024

## Forward

The Private Sector Housing Renewal Policy sets out the range of financial assistance that the Council have made available to improve living conditions for the most vulnerable residents living in the private housing within the borough.

One of the key aims of Chesterfield Borough Council's Council plan 2019-2023 was to Improve quality of life for local people by improving the quality of private sector housing. This policy focuses on this key aim by delivering improvements and disabled adaptations within private sector housing across the borough.

The Private Sector Housing Renewal Policy aims to:

- Increase the number of decent homes within the private housing sector, with particular emphasis on the improvement of homes occupied by elderly and vulnerable households.
- Support vulnerable householders to remove or reduce housing related defects that are detrimental to a health.
- Reduce the number of private sector households living in fuel poverty.
- Support the aims of Governments Better Care Fund to minimise avoidable hospital admissions and facilitate early discharge from hospital where possible.
- Increase the number of people who are able to live independently and safely at home.

At a time where there is such great pressure on all resource, it is important that we continue to target assistance to meet the needs of the most vulnerable residents. This Policy sets out a transparent framework detailing how the Council intend to achieve these aims.

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## Part 1 – Policy Delivery

### 1. Background

This document sets out Chesterfield Borough Council's approach to the provision of financial assistance. The Policy complements the range of measures employed by the Council, aimed at improving and maintaining healthy living conditions within existing private sector housing stock. It specifically seeks to help homeowners to improve, repair and adapt their properties. Other assistance is also available to help and support people with housing needs.

Chesterfield Borough Councils Stock Condition Report 2019 has now been completed by Derby City Council on behalf of the Council as part of a joint project between Derbyshire County Council, Derby City Council and all the District/Boroughs. The report was a desktop study to identify and assess the conditions of private homes in each District/Borough. This is a much more cost-effective and accurate process than more traditional methods that involve the physical inspection of a statistically significant proportion of the housing stock.

The report has provided the Council with information that enables the prioritisation of housing issues and where funding is available, how this funding might be targeted. The headlines of the report are as follows:

- Private housing constitutes 77.4% of all housing within the borough.
- Approximately 8956 private homes fail to meet the decency standard. This constitutes 1 in every 4 families.
- It would cost £28million to improve private homes to decency standard. Approximately £3128 per property.

This Policy provides the framework by which the Council will provide that assistance and applies in addition to the grants which can be made under alternative statutory powers such as the provision of mandatory Disabled Facilities Grants under the Housing Grants Construction and Regeneration Act 1996 (as amended).

The Policy replaces the previous policy adopted by Chesterfield Borough Council in 2012.

This Policy will outline available assistance and will encourage homeowners to maintain their own property. It will target public funds at the most vulnerable individuals living in the worst housing conditions. In addition, public funds will be utilised to meet the Council's objectives of "Providing quality housing and improving housing conditions across the borough including improving the quality of private sector housing".

The Council will provide information, advice and publicity about the forms of assistance. The information will be clear, concise, easy to understand and readily accessible.

The Policy has effect from April 2021. Fully completed valid applications made before this time will be processed under the terms of the previous 2012-15 edition of the Policy.

## 2. Legislative Framework

### **Housing Act 2004**

Local Authorities are required under section 3 of the Housing Act 2004 to keep housing conditions in their area under review, with a view to identifying any action that may need to be taken under the relevant private sector housing legislation. The Act also established the framework for the inspection and assessment of properties under the Housing Health and Safety Rating System (HHSRS).

### **The Housing Grants, Construction and Regeneration Act 1996 (as amended)**

The Housing Grants, Construction and Regeneration Act 1996 (as amended) sets out the legislative basis for Mandatory Disabled Facilities Grants. Funding is provided by Central Government through the Better Care Fund.

### **The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (The Order).**

Article 3 of the order, gives local authorities the power to provide assistance in any form (either directly or indirectly) to any person for the purpose of improving living conditions in the local authority area. Local housing authorities have the power to make assistance subject to certain conditions, including making repayment or a contribution.

Article 4 of the Order prevents local housing authorities from exercising their article 3 power unless they have adopted a policy for the provision of assistance under that article and given publicity to the policy and act in accordance with it.

This policy reflects the provisions of The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

This Order had important implications for local housing authorities because it repealed much of the existing prescriptive legislation governing the provision of renewal grants to homeowners and replaced it with a new wide-ranging power to provide assistance for housing renewal.

The Government believes that everyone should have the opportunity of a decent home. Poor quality housing can have an impact on the health of the occupants and quality of life. The Government's view is 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.

The Order provides authorities with a much greater degree of flexibility in devising a policy to deal with poor condition housing, both in terms of the policy tools available to them, and in terms of their ability to work in partnership with others. It therefore provides a major opportunity for local authorities to contribute further towards the Government's overall strategies towards tackling poverty and social exclusion, health inequalities and neighbourhood decline.

## **Energy Efficiency**

The Energy Act 2011 has been developed to improve home energy efficiency and target fuel poverty in the private sector.

The Act introduced the Energy Company Obligation (ECO). The latest phase of ECO is (EC03), which commenced in December 18. The programme was introduced to deliver energy efficiency measures across the UK in order to assist low income and vulnerable customers to comfortably heat their homes and to help reduce carbon emissions and assist those households in fuel poverty.

Under the current phase, local authorities have been able to determine eligible homes under the new 'flexible eligibility' scheme. In Chesterfield the scheme is administered on our behalf by Derbyshire County Council Healthy Homes Team. The government expects energy companies to contribute towards the scheme. The scheme is administered by Department for Business, Energy and Industrial Strategy (BEIS).

### **The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

The government has recognised that tenants in the private rented sector have not had the same opportunities and assistance to make energy efficiency improvements as those in other tenures. It is expected that these figures will continue to fall with the introduction of the Minimum Energy Efficiency standards in private rented dwellings.

Since April 2018, landlords of domestic properties may not grant a new tenancy or renew an existing tenancy for a property rated with an Energy Performance Certificate (EPC) of F or G unless an exemption applies. The landlord must improve the rating to minimum of E or register an exemption before letting.

From April 2020, the minimum level of energy efficiency was extended to apply to all domestic private rented properties covered by the Regulations. If an exemption applies, landlords must register this on the Private Rented Sector Exemptions Register.

### **The Home Energy Conservation Act 1995 (HECA)**

The Home Energy Conservation Act 1995 (HECA) requires the council to set out measures which will lead to a significant improvement in the energy efficiency of residential accommodation in the district. The Act does not provide mandatory targets but authorities are encouraged to set their own in line with national government targets

Progress reports must be submitted every two years to the Department for Business, Energy and Industrial Strategy (BEIS). The council acknowledges that energy efficiency improvements to the housing stock will not only reduce carbon emissions and improve the health and wellbeing of occupants but will also reduce winter deaths and costs to the NHS.

### **The Care Act 2014**

The Care Act 2014 ensures that the focus of the provision of care and support starts with the individual and their needs, and their chosen goals or outcomes. Its underpinning precepts is that the central purpose of adult care and support is to support individuals achieve outcomes that matter to them in their life. Government guidance states *“Integrated services built around an individual’s needs are often best met within the home. The suitability of living accommodation is a core component of an individual’s wellbeing and when developing integrated services, local authorities should consider the central role of housing within integration.”*

### **Better Care Fund**

In 2015/16, the Government changed the funding mechanism for DFGs by including the allocation for DFGs as part of the Better Care Fund (BCF). Each year the DFG element of the Better Care Fund budget is passported to Chesterfield Borough Council from the First Tier Authority Derbyshire County Council. Whilst delivery of Disabled Facilities Grant remains a mandatory duty, a fundamental principle of the BCF budget is to allow health, social care and housing to work together more closely and enable delivery of other housing related projects.

### **3. Strategic Overview**

The Housing Renewal Strategy will set out appropriate and proportionate schemes of assistance available to those living in private housing stock, given the existing financial constraints faced by the local authority. It will also set out the conditions attached to the available assistance.

The key strategies and documents that influence the delivery of Private Sector Housing in Chesterfield are set out below. The Housing Renewal Policy 2021 – 26 aims to support the following key strategies through its delivery of the Private Sector Housing agenda within Chesterfield.

#### **Council Plan 2019 -23**

Chesterfield Borough Council's, Council Plan is guided by the simple but important vision: "To serve and support our communities including our residents, tenants, businesses, visitors, students and voluntary groups. Together we will continue to make our borough a great place to live, work, visit and invest".

One of the ways the Housing Renewal Policy compliments the Council plan is by supporting one of the Council Plan objectives of "Providing quality housing and improve housing conditions across the borough including improving the quality of private sector housing".

#### **Chesterfield Borough Council Housing Strategy 2019 - 23**

The aim of Chesterfields Housing Strategy is to enhance Chesterfield's housing offer so that people of all ages of life can find and live in a quality home they can afford' The strategy has the following objectives to help it achieve its vision.

- Delivery - ensuring that increased new housing provision meets the needs of current and future residents of Chesterfield to provide homes for every stage of life.
- Quality—to utilise internal and external resources to ensure that as many homes as possible in all tenures are of decent quality.
- People – Ensuring that the needs of all groups to be able to access and sustain housing appropriate for their needs in Chesterfield .

The Housing Renewal Policy supports Chesterfields Housing Strategy as it aims to improve the quality and availability of private sector housing stock across the borough.

#### **Chesterfield Borough Council's Empty Property Strategy**

Chesterfields empty homes strategy recognises that the case for returning empty homes to usable housing accommodation is compelling and that although returning long term empty properties to use, would not solve the boroughs housing problems, it would have a positive impact.

The Empty Homes Strategy has the following key aims which are supported by the Housing Renewal Policy.

- To continue to raise awareness of the Empty Homes issue.

- To identify and maximise funding streams and income opportunities for Chesterfield Borough Council.

### **Chesterfield Borough Council's Private Sector Housing Enforcement Policy**

The Private Sector Housing Enforcement Policy ensures consistency of approach among Council Officers and for members of the public to know what to expect from the service. It also aims to provide clarity should the Council take enforcement action or legal proceedings.

Although essentially an enforcement service requiring private sector landlords to improve housing conditions, the Private Sector Housing Enforcement Teams enforcement tools are occasionally used to improve standards in privately owned properties as well.

The Private Sector Housing Enforcement Policy has the following key aims which are supported by the Housing Renewal Policy.

- Private housing is not left empty for an unreasonable amount of time, to ensure the amenity of the area is not affected, the property is safe and secure and not causing a statutory nuisance.
- Privately owned property and land does not present a statutory nuisance and does not directly or indirectly present an unacceptable risk to public health, safety or the environment; and
- The Private Sector Housing Team meets the Council's statutory duties for which it is responsible and to carry out the powers it has adopted.

### **Older persons housing accommodation and support strategy**

Derbyshire's ageing population will result in the number of people aged 65 and over increasing by 58.5% by 2039. In the same period the number of people aged 90 and over will treble. Nationally and locally, life expectancy is increasing and this means that individuals are living for longer with more complex needs and need appropriate or specialist accommodation later in life. As a result, a new long-term approach to housing, accommodation and support to address the needs of older people is required

Derbyshire County Council's 'Older persons housing vision' document outlines the strategic vision for a range of housing and accommodation choices and support to meet the requirements of an ageing population. Derbyshire County Council is developing a specialist accommodation and support strategy for older people including those with a variety of specialist support needs.

Chesterfield Borough Councils Housing Renewal Policy will play an active role in supporting Derbyshire County Council to meet older persons housing needs.

### **Derbyshire Better Care Fund**

The Better Care Fund (BCF) is a national programme that seeks to join-up health and care services in local areas, so that people can manage their own health and wellbeing, and live independently in their communities for as long as possible.

The BCF aims to achieve this by making sure that health and social care services work together in partnership, resulting in effective and good quality services being provided by the NHS, local authorities and clinical commissioning groups (CCGs).

The Derbyshire BCF Plan continues to support the integration of health and care services for the benefit of the people of Derbyshire.

The delivery of the plan is overseen by the Derbyshire Health and Wellbeing Board and has been jointly developed Derbyshire County Council and the local CCGs. The plan also includes initiatives by district and borough councils to support more people to remain independent in their own homes.

The Housing Renewal Policy supports the narrative of the BCF plan as it aims to provide help and support to the residents of Chesterfield to live independently within their communities.

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#### **4. Aims and Objectives of Policy**

Whilst the policy will contribute towards achieving the aims and objectives of the strategies listed above, the overarching aim of this policy is to improve living conditions in private sector housing stock throughout the borough.

This policy also aims to:

- Increase the number of decent homes within the private housing sector, with particular emphasis on the improvement of homes occupied by elderly and vulnerable households.
- Support vulnerable householders to remove or reduce housing related defects that are detrimental to a health.
- Reduce the number of private sector households living in fuel poverty.
- Support the aims of the BCF to minimise avoidable hospital admissions and facilitate early discharge from hospital where possible.
- Increase the number of people who are able to live independently and safely at home.

The following objectives will support these aims:

- The provision of financial assistance for clients who are otherwise excluded from accessing reputable forms of finance.
- The provision of Mandatory Disabled Facilities Grant scheme to enable a disabled occupant to safely remain in the home environment.
- Advice and guidance and signposting to include maintenance advice, energy efficiency advice, information about local agencies/charities who may be able to assist or offer specific independent advice and future housing options.

#### **5. Funding**

Since 2014/15 Governments Better Care Fund allocated to districts and boroughs via Derbyshire County Council has been the funding mechanism for delivery of Disabled Facilities Grants.

Whilst mandatory Disabled Facilities Grants will always have priority on the use of BCF funding, the Council has taken the opportunity to revise the Housing Renewal Policy to enable further innovative use of BCF funding in order to meet identified local need and offer discretionary assistance and new pilot schemes and enable the council to meet the aims and objectives set out above.

However, at times of high demand, waiting lists for such discretionary schemes may be instigated, or the schemes may be amended, suspended or removed entirely to ensure the Council can meet its statutory responsibilities.

## 6. Types of Assistance Available

Except where otherwise stated all types of assistance and service are given at the discretion of Chesterfield Borough Council and may be subject to conditions. The general provisions relating to applicable conditions are set out in the “Conditions of Financial Assistance” section.

Some types of assistance are not provided directly by Chesterfield Borough Council but through partner agencies and organisations.

The types of assistance and service available under the terms of this policy are summarised below.

Full details of each individual type of assistance are set out in Part 2 of this document “Types of Assistance Available”.

### **Advice, Guidance and Signposting**

The Private Sector Housing Team deliver a service dedicated to offering advice, guidance, signposting and financial assistance to help people adapt their homes to meet the access and living needs of a disabled occupant.

This service is also available to assist homeowners to maintain their homes and achieve greater energy efficiency within the home environment.

Further details on this assistance is available direct from the Private Sector Housing Team.

### **Mandatory Disabled Facilities Grant**

This grant is available to owner occupiers and tenants living in a privately let property or a property owned by a registered provider to help adapt their home to meet the needs of a disabled occupant.

The aim of a DFG is to enable a disabled person to safely remain within the home environment, 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. DFGs are a mandatory entitlement which means that the Council cannot refuse an application which fulfils the eligibility criteria. They are, however, subject to a legal maximum grant limit and to a Test of Resources to determine the level of any financial contribution to be made by the applicant.

### **Discretionary Disabled Loan Assistance**

This financial assistance may be available in conjunction with or without a DFG. It is in the form of a loan and can be used where the cost of eligible works exceeds the current legal maximum grant limit for a DFG. It may also be utilised where the disabled applicant is not able to pay their assessed contribution that they are required to pay in order to access the Disabled Facilities Grant.

### **Discretionary Disabled Persons Relocation Assistance**

This financial assistance is in the form of a loan and may be available where it is not reasonable or practicable to adapt the home of a disabled person. The amount of assistance applicable will be subject to a maximum limit.

### **Discretionary Disabled Facilities Top Up Grant**

In exceptional circumstances, the Council will consider applications to top-up the funding of a mandatory DFG application where the cost of the adaptation exceeds the maximum grant limit of £30,000, up to a maximum of £10,000.

### **Discretionary Minor Adaptations Grant**

Where minor works are required and where a person who qualifies for a Mandatory Disabled Facilities Grant but the works are urgent and will cost more than £1000 but less than £2,000.

### **Home Repair Assistance**

This financial assistance is in the form of a loan and is available to help low income, vulnerable home owners to carry out repairs and improvements to help them remain in their own homes in a safe and healthy environment.

### **Prevention of Hospital Admission and Successful Hospital Discharge Assistance**

This assistance is administered on behalf of Chesterfield Borough Council, by the Healthy Homes Team at Derbyshire County Council.

This discretionary assistance is to support the aim of reducing the likelihood of hospital admission or the need for bed-based care. This fund will give prompt assistance to people who are at high likelihood of hospital admittance or are fit to be discharged from hospital, however there is a housing related reason that is preventing discharge back to their home.

### **Local Authorities Energy Partnership (LEAP)**

The Local Authorities' Energy Partnership (LAEP) is a non-statutory partnership of all 20 councils across Nottinghamshire and Derbyshire (established in 1996) and continues to provide an excellent model of how councils can work together for mutual benefit.

Partnership activities are delivered via a membership service and a communications service which are funded through separate subscriptions. Councils benefit from support, information and communication services and collaborate on carbon reduction, affordable warmth and sustainable energy projects, sharing expertise and best practice.

Funds are held by Derbyshire County Council. A LAEP co-ordinator, is employed by the partnership to manage and initiate LAEP activities and that post is hosted by Derbyshire County Council.

## **Derbyshire County Council Healthy Home Programme**

Derbyshire's councils aim to support householders struggling to achieve affordable warmth or who are vulnerable to the effects of living in a cold home.

The Council recognises that vulnerable householders need help to access grants to carry out improvements to their homes to help them stay warm and well at home.

The Derbyshire Healthy Home Programme works in collaboration with Derbyshire's district councils and partners to adopt a 'flexible' approach to assessing client eligibility for access to ECO grants. Derbyshire County Council hold a "Flexible Eligibility Statement of Intent" (SOI) which allows district councils and partners to refer clients to the Healthy Home programme for an eligibility assessment. It outlines the methodology the Council will use to identify these householders. Should the assessment result in a client meeting the eligibility criteria, then Derbyshire County Council will sign a declaration to confirm eligibility and submit the declaration to a number of energy companies or a managing agent to seek ECO funding towards the cost of installing heating or insulation.

ECO contributions will not always cover the entire cost of the improvements and the householder or District Council may be asked to make a contribution towards the cost of work.

[www.derbyshire.gov.uk/site-elements/documents/pdf/social-health/health-and-wellbeing/your-health/flexible-eligibility-statement-of-intent.pdf](http://www.derbyshire.gov.uk/site-elements/documents/pdf/social-health/health-and-wellbeing/your-health/flexible-eligibility-statement-of-intent.pdf)

### **Early Intervention Officer – Mental Health**

To support people living within the private sector or registered provider properties who suffer with mental ill health, the Council has invested in the provision of a dedicated Support Worker to prevent homelessness and avoid the need for costly hospital admissions. This service will support the policy aims of increasing the number of people able to live independently and safely at home and contribute towards improving the health, wellbeing and quality of life of the individual.

### **Empty Homes Service**

Empty homes represent a waste of housing resource at a time of housing shortage; they can also attract crime and anti-social behaviour, contributing not only to urban decline and blight, but also to crime and the fear of crime.

Our Service can provide advice and support to property owners to help them bring their empty dwelling back into use. Similarly, the Service is available to help neighbours or communities where problematic empty properties are having detrimental impacts on people's lives. In addition to its advice and support role, we also has a range of legal powers that can be used to ensure empty homes are returned to use where an agreed solution cannot be found.

Empty Homes Strategy [www.chesterfield.gov.uk/media/319520/empty-homes-strategy-2016-2020.pdf](http://www.chesterfield.gov.uk/media/319520/empty-homes-strategy-2016-2020.pdf)

### **DASH Services - Decent and Safe Homes project**

Chesterfield Borough Council is a member of the DASH Services project that operates across the East Midlands and beyond.

DASH delivers a number of services, all of which are designed to both increase the supply of good quality accommodation within the private rented sector and to ensure the delivery of high quality private sector housing services.

### **DASH - Landlord Services**

DASH offers a wide range of landlord support services including training, briefings, updates and guidance.

### **DASH - Landlord Accreditation Scheme**

DASH Landlord Accreditation Scheme gives landlords access to an accreditation scheme that recognises the efforts of the better performing landlord and provides them with property survey expertise, information, training and events. By working across local authority boundaries DASH Landlord Accreditation Scheme provides considerable efficiency savings when compared to local schemes of this type.

### **DASH - Local Authority Support Services.**

DASH offers a wide range of support services to Local Authorities across the East Midlands and beyond, including:

- training, briefings, updates and guidance;
- encouraging the sharing of resources;
- bringing consistency and standardisation of approach by private sector housing enforcement teams;
- acting, with considerable success, as a representative body on private sector housing issues at national level;
- delivering cost savings and efficiencies by operating across local authority boundaries.

Further details on all DASH products are available direct from DASH Services [www.dashservices.org.uk/](http://www.dashservices.org.uk/) .

### **Private Sector Housing enforcement**

The Housing Act 2004, places local authorities under a duty to deal with Category 1 hazards; that is those hazards which present the most serious risk of harm to the health of the occupier. Privately owned and, most particularly, private rented properties are of prime concern in this area due to the very high numbers of vulnerable occupiers who live in poor housing conditions in the private sector.

The team react to complaints about unhealthy and dangerous living conditions from tenants but in addition they also operate proactively where the team receive intelligence regarding properties in poor condition or properties owned by landlords known to have poor track records.

Although essentially an enforcement service requiring private sector landlords to improve housing conditions, the Private Sector Housing Enforcement Team are not focussed entirely on formal action; they also work with responsible landlords wherever possible, to help them improve standards in their properties:

- Advisory inspections and consultations can sometimes be undertaken
- A growing list of landlords receive information by email and have the opportunity to consult on Council strategies and policies which impact on their activities as a landlord
- The team work closely with DASH landlord accreditation scheme and encourage all landlords to join the scheme.
- Conferences/seminars are occasionally organised by the team to which all landlords with property in Derby are invited

**Other assistance**

Other types of assistance and/or other services may from time to time be made available and incorporated into this policy,

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## 7. Conditions of Financial Assistance

### The Property and the Works

The assistance shall generally only be available for a dwelling that has been constructed or converted more than ten years prior to the date of application. (Disabled Facilities Grants and Disabled Facilities Loans are excluded from this requirement),

### The Applicant

- The applicant must be the homeowner, i.e. be the person named on the mortgage or deeds of the property at the time the assistance is received and in relation to assistance for the purposes of Disabled Facilities must sign either an;
  - "Owner-occupation Certificate". This document certifies that the applicant intends that he or a member of his family will live in the dwelling as his (or that member's) only or main residence until the assistance is repaid, or until the end of the condition period, or a;
  - "Certificate of Intended Letting". This document certifies that the applicant intends that the dwelling will be let or available for letting, for use as a residence (and not for a holiday home) to a person who is not a member of the owner's family for at least five years into the future.
- The applicant must be aged 18 years or over on the date of application;
- A loan or other form of financial assistance under this Policy will only be available to people who have a right to live in the United Kingdom, whether as a citizen of the UK or a person with indefinite or exemplary leave to remain. An applicant who has leave to remain in the Country subject to a condition that they do not have recourse to public funds will not be eligible for assistance under this policy.
- The Applicant must not be in arrears to the Council at the time of application. The nature of the arrears and progress being made by the Applicant to repay these will be taken into consideration. Arrears may include those that result from a failure to pay Council Tax, or charges incurred by the Council through the carrying out of works in default following enforcement action.
- Applications from a person who has an have adverse credit history which may include County Court Judgements, Individual Voluntary agreements (IVAs), Debt Relief Orders, Bankruptcy where that bankruptcy has not been discharged, Company Insolvency/ Liquidation, will not normally be accepted. Any such applications will be considered on a case by case basis (applicants for a Disabled Facilities Grant are excluded from this requirement).

### The Application

An application must be in writing made on the application form provided for that purpose. The Council will only consider a valid application for assistance. A valid application is one where the following documents are submitted:

- A correctly completed application form and any supporting documentation
- In relation to assistance for the purposes of Disabled Facilities either a certificate of owner occupation, a certificate of intended letting, a tenant's certificate or an occupiers certificate
- Proof of title where applicable

- Authorisation from the owner of the property if a third party is acting agent in the application. This can be in the form of an authorisation letter, power of attorney or similar
- Any relevant reports as requested by the Schedule giving the particulars of the relevant works
- At least two sets of estimates.
- Estimates for assistance from the Applicants or members of their families are not acceptable. In cases where the work is carried out by the Applicant or a member of his/her family then assistance may be given for materials only.
- Details of preliminary or ancillary services or charges
- Other prescribed particulars
- The applicant shall be required to enter into a contract with the Council.
- The Council will determine an application within 6 months of receipt of a valid application. The applicant will be informed in writing of the approval or refusal of the application.

### **Fees and other ancillary services**

In addition to the actual cost of carrying out works of improvement or repair, other necessary charges incurred in undertaking assistance works may also be eligible for assistance. These expenses include costs such as architects' or surveyors' fees; charges for planning permission and building regulation approval; costs relating to confirmation of ownership, legal fees and fees for agency services.

The inclusion of these fees will enable applicants to receive advice and assistance in matters relating to their application and the work to be carried out.

Particulars of the fees will be required in the application so that the reasonableness of the costs and whether they are properly incurred can be considered. The payment of assistance in respect of these fees will be dependent on the provision of a satisfactory receipt or invoice

### **Client Contribution**

Applicants applying for a Disabled Facilities Grant, will be means tested in accordance with Section 30 of the Housing Grants, Construction and Regeneration Act 1996 and associated regulations and any contribution determined accordingly. Additionally it may be determined that the client is required to contribute towards works that are not eligible for financial assistance. In these instances, the Client Contribution will be required to be paid to Chesterfield Borough Council on production of an invoice, prior to work starting on site.

### **Calculation of the Assistance Amount**

Taking into account the necessary works, fees and other ancillary services and any client contribution and maximum amounts of assistance available, the Council will determine the financial assistance offer.

### **Minimum and Maximum amount of Assistance**

The minimum and maximum amount of assistance will be detailed within each specific grant or loan.

### **Decision and notification**

The Council, will in writing notify the Applicant as soon as reasonably practicable and, in any event not later than six months after the date of a full application, whether the application is approved or refused. Before any assistance is provided to any person under this Policy, the Council will:

- provide to the person receiving the assistance a statement in writing of the conditions (if any) to which the assistance is subject to: and
- satisfy itself and ensure that the person has received appropriate advice and information about the extent and nature of the obligation (whether financial or otherwise) which he/she may be subject to as a consequence of the Council providing assistance to him/her under this Policy.

Where the Council decides to approve an application for assistance it will determine;

- which of the works are eligible for assistance. Such works will be referred to as eligible works.
- the amount of the expenses which in its opinion are properly to be incurred in the execution of the eligible works (the eligible expense) as well as any eligible costs incurred with respect to preliminary or ancillary services and charges.
- the amount of assistance the Council has decided to pay.

If the Council approves the application for assistance it will notify the Applicant in writing that the application is approved. The amount of assistance may be re-calculated if it is found that there is either an increase or decrease in the eligible works or in the amount allowed as eligible expense. This will usually only be permitted if such costs were unforeseen at the time of application.

If the Council refuses the application, it will notify the Applicant in writing that his/her application for assistance has been refused and advise the Applicant that they have a right of appeal against the determination.

The works that are eligible for assistance must be carried out in accordance with any specification imposed by the Council and completed to the satisfaction of the Council.

### **Carrying Out and Completing the Works**

The eligible works should be completed within 12 months from the date of approval of the application. The Council may extend this period if they feel it is necessary, upon written request from the applicant;

Should works that were unforeseen at the time of the approval of the financial assistance be identified while the works are being undertaken, financial assistance towards the additional cost will be considered if the works are unavoidable and are considered to be eligible works.

### **Payment**

Works will be inspected by the Council on completion. The council should be provided with an acceptable invoice, from the approved contractor. If the works are completed to the satisfaction of the Council, the assistance may be paid:

- In whole after completion of the eligible works, or

- In part by instalments as the works progress and the balance after completion of the works. Where the assistance is paid by instalments the aggregate of the instalments paid before the completion of the eligible works shall not at any time exceed nine tenths of the amount of the assistance.

### **Applicants Ceasing to be Entitled before the payment of Assistance**

If an applicant ceases to be entitled to assistance before final payment, but after it has been approved, then the Council may cancel the approval and demand repayment of any instalments that have been paid.

In the case of an applicant dying before final payment of assistance, the Council may, at its discretion, pay assistance in respect of any ancillary charges and for any relevant works which have begun. The applicant will be given appropriate advice and time to consider any offer of assistance, and must be willing to accept the assistance offered subject to any conditions set by the Council, within the time set by the Council for accepting such an offer.

### **The Local Land Charge**

Once an application for financial assistance is approved, all forms of financial assistance will be registered as a local land charge.

In relation to Disabled Facilities Grants, the local land charge will apply for a period of 10 years from the date at which the Council certifies that the eligible works have been carried out to their satisfaction ("the certified date").

Where the work has begun and not been completed and the Council has incurred costs including any interim payments or additional costs, the Council shall place a land charge on the property relating to all costs incurred.

For all forms of financial assistance other than for mandatory Disabled Facilities Grants, the charge will remain on the property until the financial assistance is repaid.

A charge is binding on the person (and the property) who is for the time being an owner of the premises concerned.

Where a condition is broken, the Council has all the usual remedies in law to secure repayment including enforcement of the charge.

### **Repayment of financial assistance**

#### **Disabled Facilities Grants**

On completion of the grant a local land charge is placed on the property which is activated if the property is sold within 10 years of grant completion.

The local housing authority may demand the repayment by the recipient of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date.

In making a decision to require repayment of grant, the council will take into account the following and be satisfied that it is reasonable considering the circumstances to require the repayment.

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
- 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, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity.

### **Home Repair Assistance Loans and Disabled Facilities Loans**

It is a condition that repayment is received in accordance with the terms of approval of the financial assistance. Specifically, that repayment is received when the property is sold, disposed of, assigned, transferred or otherwise, including the transfer to family members, or is no longer occupied by the client as principal residence (including if the property is rented out).

Family members include both immediate and extended family. Should family members or other persons be living in the property at the time of death of the Client, there will be no automatic right of succession. Should repayment of the loan require the property to be sold in this circumstance the Council can exercise discretion through formal decision making processes if appropriate.

A client can repay the loan at any point before a property is disposed of.

Should the Client wish to make a relevant disposal of the property before repayment of the loan is complete, the loan amount that is outstanding must be repaid to the Council upon the disposal of the property.

### **Breach of Conditions**

After works are completed the property should be kept properly maintained. If this condition is not met during the period until the assistance is repaid, the Council may treat this as a breach of conditions

It is the responsibility of the applicant to demonstrate that the conditions of the financial assistance are being adhered to. If the Council requests any information in relation to the conditions in writing and the applicant fails to supply the information, then the Council may deem this as a breach of the financial assistance conditions.

The property must not be left empty for any appreciable length of time until the assistance is repaid. An extended period of vacancy may be construed as a breach of conditions and the council may seek to recover financial assistance monies from the applicant.

Should the application have been approved on the basis that the applicant was an owner occupier the property should remain the principal residence of the client until the financial assistance is repaid.

**Restrictions on Assistance**

The Council will not approve an application for assistance if the works involved have been carried out before the application has been approved.

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## 8. POLICY DELIVERY

### **Policy implementation**

This policy will be implemented and managed by the Private Sector Housing Team, based within the Health and Wellbeing Directorate of Chesterfield Borough Council.

We can be contacted by:

Telephone: 01246 345748

Email: HIA@chesterfield.gov.uk

### **Data Protection**

All data will be held securely in accordance with the General Data Protection Regulations (EU) 2016 (GDPR).

In order to progress an application it may be necessary to share the information an applicant provides with relevant other Council departments and externally with Adult Social Care and other relevant health care professionals. Applicants will be informed of this data sharing at the time of applying in the form of a privacy notice.

The Council is under a duty to protect public funds and may use the information provided for the prevention and detection of fraud

### **Cases falling outside of the policy**

For those applicants whose circumstances fall outside the normal scope of this policy but where they believe that there are exceptional circumstances, the applicant can put their case in writing to Private Sector Housing Manager who will review the circumstances of the case. Should the case be refused the applicant can exercise their right to complain as listed below.

### **Decision Appeal**

Any decision made under the Policy may be reviewed at the request of the applicant. The review request should be addressed to the officer who made the decision being appealed against in writing, and within 28 days of the date of the decision.

The review will be conducted by the Assistant Director Health and Wellbeing Directorate (the "Review Officer").

The Review Officer will make such enquiries and request such evidence as he/she thinks necessary and will inform the appellant in writing of his/her decision within 28 working days of receiving such evidence.

Where he/she refuses an appeal, the Review Officer will inform the applicant of his/her rights under the appropriate Council's complaint procedure and the Local Authority Ombudsman procedure.

### **Comments or complaints about this policy**

Chesterfield Borough Council encourages all customer feedback about its services

and any queries, complaints, compliments or suggestions about this policy are welcome.

These can be made to and marked for the attention of the Private Sector Housing Manager.

Email to: [HIA@chesterfield.gov.uk](mailto:HIA@chesterfield.gov.uk)

Write to: Private Sector Housing Manager, Town Hall, Rose Hill, Chesterfield S40 1LP.

Additionally you feel that any queries or concerns have not been dealt with to your satisfaction, details of the Councils Formal complaints policy can be found at:

<https://www.chesterfield.gov.uk/home/about-this-website/contact-us/comments-complaints-compliments.aspx>

### **Policy Review**

This Policy was approved by Cabinet on April 2021 and came into force on April 2021.

The policy will remain in force until end 2024 at which it will be reviewed.

Minor changes which do not affect the broad scope of the policy, such as varying the eligibility criteria specified in the policy based on changes to funding amounts, benefit criteria, legislation and national guidance may from time to time be made by the Assistant Director Health and Wellbeing Directorate in consultation with the Portfolio Holder for Health and Wellbeing.

More significant changes to the Policy may be made by Cabinet, including (but not limited to) the addition of appendices to cover any new types of grant or loan that may be come available.

### **Performance**

The performance of the policy will be monitored by the Private Sector Housing Manager and Assistant Director for Health and Wellbeing.

## Part 2 – Types of Assistance Available

### 1. Mandatory Disabled Facilities Grant

Type of Assistance
Mandatory Disabled Facilities Grant
Purpose of Assistance
<p>Disabled facilities grants: purposes for which grant must or may be given.</p> <ul style="list-style-type: none"> <li>• facilitating access by the disabled occupant to and from               <ul style="list-style-type: none"> <li>○ the dwelling, qualifying houseboat or caravan, or</li> <li>○ the building in which the dwelling or as the case may be flat is situated;</li> </ul> </li> <li>• making               <ul style="list-style-type: none"> <li>○ the dwelling, qualifying houseboat or caravan, or</li> <li>○ the building,</li> </ul> </li> </ul> <p>safe for the disabled occupant and other persons residing there by;</p> <ul style="list-style-type: none"> <li>○ facilitating access by the disabled occupant to a room used or usable as the principal family room;</li> <li>○ facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;</li> <li>○ facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility;</li> <li>○ facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility;</li> <li>○ facilitating access by the disabled occupant to, or providing for the disabled occupant, a room in which there is a washhand basin, or facilitating the use by the disabled occupant of such a facility;</li> <li>○ facilitating the preparation and cooking of food by the disabled occupant;</li> <li>○ improving any heating system in the dwelling, qualifying houseboat or caravan to meet the needs of the disabled occupant or, if there is no existing heating system there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his needs;</li> <li>○ facilitating the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;</li> <li>○ facilitating access and movement by the disabled occupant around the dwelling, qualifying houseboat or caravan in order to enable him to care for a person who is normally resident there and is in need of such care;</li> </ul> <p>The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008, lists two further purposes specified by the Secretary of State</p> <ul style="list-style-type: none"> <li>○ facilitating access to and from a garden by a disabled occupant; or</li> </ul>

- making access to a garden safe for a disabled occupant.

### **The Property**

To qualify for assistance the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person.

### **The Applicant**

You can apply for a Disabled Facilities Grant (DFG) if you are:

- a private tenant (or lodger) of a property or a Housing Association tenant
- the owner of a property
- intend to become the owner of a property.

If the owner makes the application, they must complete a certificate stating that they intend to remain living there for 5 years. If the applicant isn't yet the owner, the local authority can't approve the grant until the sale has completed.

If the tenant makes the application, they must complete a certificate stating that intend to remain living there for 5 years

A tenant will need to have permission from their landlord for the adaptations to take place.

### **Eligibility**

#### **Adults**

The amount of grant, other than those for disabled children, will depend on income and savings and assets.

If the disabled person is in receipt of any of the following, they will not have to contribute towards the works:

- Council Tax Support
- Income Support
- Income-based Employment and Support Allowance (not contribution-based ESA)
- Income-based Jobseeker's Allowance (not contribution-based JSA)
- Guarantee Pension Credit (not Savings Pension Credit alone)
- Housing Benefit
- Working Tax Credit and or Child Tax Credit. Provided that the annual income for the purposes of assessing entitlement to the tax credit is less than £15,050.
- Universal Credit. This includes any Universal Credit which is being introduced from 2013 onwards as a replacement for working age benefits and tax credits.

If the disabled person is not in receipt of one of the above listed benefits, a means test will be carried out. The means test will look at the income and capital (for example, savings and investments) and assets of the disabled person and their spouse or partner.

This means that the disabled persons share of the cost may range from nothing at all, to the full cost of the work.

#### **Children up to the age of 19 where Child Benefit is in payment**

Parents applying for a Disabled Facilities Grant for a disabled child or young person under the age of 19 and in receipt of Child Benefit will not be means tested

### **Means Test Exemptions applicable in 2021**

The following means test exemptions are applicable at present:

- The Council has decided not to apply the means test to referrals relating to stairlifts
- The council has decided that where a client has means test resulting in a client contribution of £5000 or less, that the client will not be required to pay the contribution.

### **Details of Assistance**

When Chesterfield Borough Council are in receipt of a referral from Derbyshire County Councils social care team and are happy that it meets the criteria listed above, it will be passed to the Disability Design Team at Derbyshire County Council, who act as our agents. They will obtain all necessary permissions, prepare any drawings, obtain prices from experienced contractors, and order and supervise the works.

If however, the applicant decides to appoint their own architects and contractors, they should contact the private sector housing team to discuss further.

The grant can't be approved if works have already started or are already complete, prior to issue of a grant approval.

The council may pay the grant in instalments as the work progresses or make one payment once all the work has been completed.

The grant will only be fully paid when the council is satisfied that the work has been satisfactorily completed in accordance with the grant approval and on receipt of an invoice, appropriate safety certificates, warranties and completion notices.

The completed works must also fully meet the needs of the disabled person, as specified by the occupational therapist.

The grant is either paid directly to Derbyshire County Council, or direct to the contractor, if the applicant has appointed their own contractor.

### **Minimum and maximum levels of disabled facilities grant**

Minor works relating to aids and equipment that are under £1000 in value are administered by Derbyshire County Council. This work is not funded via disabled facilities grants.

The maximum mandatory disabled facilities grant (DFG) is £30,000 which is set by the government.

If the cost of the work exceeds £30,000, the applicant may have to source alternative funding for the costs that exceed £30,000.

### **Preliminary and Ancillary Charges**

- The Council charge an administration fee of 5% of the total cost of the adaptation works.
- Other fees and services properly incurred, such as building surveys incurred in association with the proposed adaptation works, other fees incurred in association with the proposed adaptation works.

#### **Conditions Attached to Financial Assistance**

On completion of the grant a local land charge is placed on the property which is activated if the property is sold within 10 years of grant completion.

The local housing authority may demand the repayment by the recipient of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date.

In making a decision to require repayment of grant, the council will take into account the following and be satisfied that it is reasonable considering the circumstances to require the repayment.

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
- 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, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity

#### **Contact Details**

For further help and advice please contact us:

Telephone: 01246 345748

Email: [hia@chesterfield.gov.uk](mailto:hia@chesterfield.gov.uk)

By post:

Private Sector Housing Team,  
Chesterfield Borough Council,  
Town Hall,  
Rose Hill,  
Chesterfield,  
S40 1LP

## 2. Discretionary Disabled Persons Relocation Assistance

<b>Type of Assistance</b>
Discretionary Disabled Persons Relocation Assistance
<b>Purpose of Assistance</b>
Where a person who qualifies for a Mandatory Disabled Facilities Grant but where the property cannot practically be adapted, the Discretionary Disabled Persons Relocation Grant may be used to assist with the relocation costs and or purchasing costs of a more suitable property.
<b>The Property</b>
<p>The existing home of the disabled person must not be reasonably and practically capable of being adapted to meet the needs of the disabled person in that:</p> <ul style="list-style-type: none"><li>• The adaptations are not possible</li><li>• The adaptations will be unable to fully meet the assessed needs of the disabled person</li><li>• The adaptations required to the existing home cannot be achieved within the maximum mandatory Disabled Facilities Grant limit of £30,000, or at a reasonable cost and</li><li>• Where a more satisfactory outcome, both in cost and ability to meet the needs of the disabled person can be obtained by assisting with rehousing and if appropriate adaptation to the new property.</li></ul> <p>The property to which the disabled person wishes to relocate to must:</p> <ul style="list-style-type: none"><li>• have been assessed as being suitable by an Occupational Therapist from Derbyshire County Council.</li><li>• Be situated within the boundary of Chesterfield Borough Council.</li></ul>
<b>The Applicant</b>
To qualify for assistance an applicant must have an owner's interest in the existing property or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired or be a tenant living in privately rented property.
<b>Eligibility</b>
<p>The applicant must:</p> <ul style="list-style-type: none"><li>• Be aged 18 or over on the date of application (If the person with a disability is a child, the Applicant must be the parent or legal guardian).</li><li>• Be disabled or a member of their family who is living with them should be disabled. The adaptation must be for the benefit of a person who is 'disabled' within the criteria in section 100 of the Housing Grants, Construction and Regeneration Act 1996.</li><li>• Be the owner of the existing dwelling or a tenant living in a privately rented property.</li><li>• Satisfy a means test as prescribed by the Housing Renewal Grants Regulations 1996 (as amended). If the assessed contribution is calculated between £0 and £15,000, the Applicant will qualify for the Discretionary Disabled Relocation Assistance (the means test does not apply where the disabled person is a child).</li></ul>

- The existing property must have been assessed by a Derbyshire County Council Occupational Therapist as requiring adaptations that fall within the eligibility of the mandatory Disabled Facilities Grant, but that it is not reasonable or practicable to adapt the property.
- The proposed new accommodation must have been assessed as being suitable to adapt at a reasonable cost or already meeting the disabled person's needs by one of Derbyshire County Council's Occupational Therapists and the council must be in receipt of a referral which has been agreed by QA panel.

### **Details of Assistance**

Discretionary Disabled Persons Relocation Assistance is discretionary and is provided subject to funding availability.

The maximum amount of Discretionary Disabled Persons Relocation Assistance is:

- £10,000 for those applications made by an applicant with an owners interest in the existing and proposed property.
- £1,000 for applications made by tenants of the existing and proposed properties (tenants of registered providers are not eligible for this assistance).

The maximum value of the assistance may be increased in exceptional circumstances and these cases will be considered for a final decision by the Private Sector Housing Manager.

Discretionary Disabled Persons Relocation Assistance can be used to fund:

- Removal costs
- Resettlement costs, such as reinstatement of utilities. Consideration may be given towards helping with the cost of carpets, curtains, replacement of certain appliances.
- Legal and other fees, including solicitors, surveys, estate agents, mortgage redemption
- Reasonable cost in bridging the gap between the old and new property. It cannot be used for what is considered to be "moving up the property ladder".

(a minimum of 2 quotes will be required for each of the above costs)

The Applicant will be required to complete and sign an application form stating they understand and agrees to any obligations that they are placing themselves under.

In addition, any other owner of the property will be required to complete a declaration that they give their consent to the works, that they understand the implications of giving such consent.

The assistance will only be approved once the purchase/rental process in relation to the property has been completed. However, a provisional approval may be given prior to this which will indicate only the amount of grant available.

Payment will be made directly to the applicant's solicitor upon exchange of contracts for all legal and estate agent fees. Payment will be made directly to the contractor(s) upon satisfactory completion of eligible works as inspected by the Council.

Please note, the Council will not take responsibility for making payments within agreed Payment Conditions or any incurred charges due to payments outside the agreed timescales.

#### **Preliminary and Ancillary Charges**

- The Council charge an administration fee of 5% of the total cost of the adaptation works.
- Other fees and services properly incurred, such as building surveys incurred in association with the proposed adaptation works, other fees incurred in association with the proposed adaptation works.

#### **Conditions Attached to Financial Assistance**

This assistance is limited to one application only, for the disabled person and/or members of their immediate family, within any 10 year period.

Where an award has been made under this section of the Policy and the applicant dies before the relocation has taken place, the Council may decide not to pay some or all of the relocation assistance.

In relation to an application made in relation to an owner occupied property or leasehold property. On completion of the grant a local land charge is placed on the property which is activated if the property is sold within 10 years of grant completion.

The local housing authority may demand repayment by the recipient for the full amount of grant awarded, if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date.

In making a decision to require repayment of grant, the council will take into account the following and be satisfied that it is reasonable considering the circumstances to require the repayment.

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
- 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, which the recipient of the grant is intending to provide, or who is intending to provide

care of which the recipient of the grant is in need by reason of disability or infirmity.

For further help and advice please contact us:

Telephone: 01246 345748

Email: [hia@chesterfield.gov.uk](mailto:hia@chesterfield.gov.uk)

By post:  
Private Sector Housing Team,  
Chesterfield Borough Council,  
Town Hall,  
Rose Hill,  
Chesterfield,  
S40 1LP

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### 3. Discretionary Disabled Facilities Loan

<b>Type of Assistance</b>
Discretionary Disabled Facilities Loan
<b>Purpose of Assistance</b>
<p>Disabled Facilities Grants are used to fund major adaptations to a property to meet the assessed needs of a disabled occupant. The current maximum DFG is £30,000.</p> <p>Where an applicant is eligible for a disabled facilities grant, but that either:</p> <ul style="list-style-type: none"> <li>• the cost of the adaptation exceeds the maximum grant of £30,000 or</li> <li>• the client has an assessed contribution as calculated under S30 Housing Grants Construction and Regeneration Act 1996 but is unable to fund the cost of the contribution and</li> </ul> <p>where the applicant is unable to arrange their own finance from a reputable lender, they can apply to the local authority for a Disabled Facilities Loan.</p>
<b>The Property</b>
To qualify for the Disabled Facilities Loan the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person.
<b>The Applicant</b>
To qualify for assistance an applicant must have an owner's interest in the existing property or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired.
<b>Eligibility</b>
<p>The applicant must:</p> <ul style="list-style-type: none"> <li>• Be aged 18 or over on the date of application (If the person with a disability is a child the Applicant must be the parent or legal guardian).</li> <li>• Be the owner of the existing dwelling</li> <li>• Have been assessed by an occupational therapist who has recommended the adaptation to the home.</li> <li>• Have been awarded a Disabled Facilities Grant that does not cover the total cost of the work for which they are seeking top up funding <b>or</b></li> <li>• Have been awarded a Disabled Facilities Grant but be unable to fund their assessed contribution as calculated under section 30 Housing Grants Construction and Regeneration Act 1996. (proof will be required).</li> </ul>
<b>Details of Assistance</b>
<p>The Disabled Facilities Loan is discretionary and is provided subject to funding availability.</p> <p>The maximum amount of Discretionary Disabled Facilities Loan is £20,000.</p> <p>The assistance will contribute toward the cost of works required to adapt the property to meet the needs of the disabled person as assessed and recommended by an Occupational Therapist from the Derbyshire County Council and agreed by</p>

QA panel. The assistance will either contribute to the total cost of the works in excess of the Mandatory Disabled Facilities Grant or fund a client contribution where alternative funding cannot be sourced.

The Applicant will be required to sign a declaration that states they understand and agrees to any obligations that they are placing themselves under.

In addition, any other owner of the property will be required to complete a declaration that they give their consent to the works, that they understand the implications of giving such consent.

The loan will only be paid when the council is satisfied that the work has been satisfactorily completed in accordance with the loan approval and on receipt of an invoice, appropriate safety certificates, warranties and completion notices.

The completed works must also fully meet the needs of the disabled person, as specified by the occupational therapist.

The grant is either paid directly to Derbyshire County Council, or direct to the contractor, if you have appointed your own contractor.

#### **Preliminary and Ancillary Charges**

- The Council charge an administration fee of 10% of the total cost of the adaptation works.
- Other fees and services properly incurred, such as building surveys incurred in association with the proposed adaptation works, other fees incurred in association with the proposed adaptation works.

#### **Conditions Attached to Financial Assistance**

This assistance is limited to one application only, for the disabled person and/or members of their immediate family, within any 10year period.

Where an award has been made under this section of the Policy and the applicant dies before work to complete the adaptations is complete, The Council may decide not to pay some or all of the Disabled Facilities Loan.

The Council will, secure the conditions attached to this type of assistance by securing a local land charge against property.

The value of all loans secured on the property, including the proposed secured loan, must not exceed 80% of the property value at the time of offering the loan. All outstanding mortgage and loans secured against the property must be taken into account and the proposed loan must also be able to withstand a 10% increase should unforeseen works occur and any associated loan fees.

The maximum loan value may be increased in exceptional circumstances and these cases will be considered for a final decision by the Private Sector Housing Manager.

## Loan Repayment Conditions

The loan is secured against the value of the property but no repayment of capital or interest is required to be made until there is an ultimate change of ownership.

The loan is repayable in the following circumstances:

- On the death of the homeowner/applicant and subsequent disposal of property.
- On disposal of property (sale/transfer/change of ownership).
- Early repayment by choice

In the event of property values decreasing the amount repayable is the minimum sum (in other words the original amount borrowed). At the discretion of officers cases where values have decreased can be brought to the Discretionary Panel for consideration.

### Succession

There is no immediate right to succession. In exceptional circumstances, requests for the right to succession may be considered by the Discretionary Panel.

This list is not exhaustive and is subject to change. Full terms and conditions will be detailed in the loan agreement

## Contact Details

For further help and advice please contact us:

Telephone: 01246 345748

Email: [hia@chesterfield.gov.uk](mailto:hia@chesterfield.gov.uk)

By post:

Private Sector Housing Team,  
Chesterfield Borough Council,  
Town Hall,  
Rose Hill,  
Chesterfield,  
S40 1LP

#### 4. Discretionary Disabled Facilities Top Up Grant

<b>Type of Assistance</b>
Discretionary Disabled Facilities Top Up Grant
<b>Purpose of Assistance</b>
In exceptional circumstances, the Council will consider applications to top-up the funding of a mandatory DFG application where the cost of the adaptation exceeds the maximum grant limit of £30,000.
<b>The Property</b>
To qualify for assistance the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person.
<b>The Applicant</b>
To qualify for assistance an applicant must have an owner's interest in the existing property or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired or be a tenant living in privately rented property.
<b>Eligibility</b>
<p>The applicant must have been awarded a mandatory Disabled Facilities Grant. the cost of the adaptation works must exceed the £30,000 Disabled Facilities Grant limit.</p> <p>Given that the applicant will already have already undergone the means testing process when applying for the DFG, there will be no additional means test required for the top-up.</p>
<b>Details of Assistance</b>
<p>Works funded by this grant must be eligible works which have been deemed necessary and appropriate to meet the disabled persons need, as defined by the Housing Grants, Construction and Regeneration Act 1996.</p> <p>The maximum funding available for Discretionary Disabled Facilities Top up grant is £10,000.</p> <p>A formal application for this assistance will not be required in addition to the DFG application.</p> <p>Payment will be made directly to the contractor(s) upon satisfactory completion of eligible works as inspected by the Council. In certain circumstances stage payments may be made towards the cost of large works.</p>
<b>Preliminary and Ancillary Charges</b>
No Preliminary or Ancillary charges are incurred in relation to this grant. All preliminary and ancillary charges are incurred during the processing of the mandatory DFG.
<b>Conditions Attached to Financial Assistance</b>
On completion of the grant a local land charge is placed on the property which is activated if the property is sold within 10 years of grant completion.

The local housing authority may demand the repayment by the recipient for the full amount of Discretionary Disabled Facilities Top Up Grant awarded, if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date.

In making a decision to require repayment of grant, the council will take into account the following and be satisfied that it is reasonable considering the circumstances to require the repayment.

- the extent to which the recipient of the grant would suffer financial hardship were they to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
- whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and
- 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, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity

### **Contact Details**

For further help and advice please contact us:

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Private Sector Housing Team,  
Chesterfield Borough Council,  
Town Hall,  
Rose Hill,  
Chesterfield,  
S40 1LP

## 5. Discretionary Minor Adaptations Grant

<b>Type of Assistance</b>
Discretionary Minor Adaptations Grant
<b>Purpose of Assistance</b>
Where minor works are required and where a person who qualifies for a Mandatory Disabled Facilities Grant but the works are urgent and will cost more than £1000 but less than £2,000.
<b>The Property</b>
To qualify for assistance the property must be reasonably and practically capable of being adapted to meet the needs of the disabled person.
<b>The Applicant</b>
To qualify for assistance an applicant must have an owner's interest in the existing property or be a leaseholder with a legal obligation to repair with a minimum of 5 years left unexpired or be a tenant living in privately rented property.
<b>Eligibility</b>
<p>The applicant must:</p> <ul style="list-style-type: none"> <li>• Be aged 18 or over on the date of application (If the person with a disability is a child, the Applicant must be the parent or legal guardian).</li> <li>• Be disabled or a member of their family who is living with them should be disabled. The adaptation must be for the benefit of a person who is 'disabled' within the criteria in section 100 of the Housing Grants, Construction and Regeneration Act 1996.</li> <li>• Be the owner of the existing dwelling or a tenant living in a privately rented property.</li> <li>• Satisfy a means test as prescribed by the Housing Renewal Grants Regulations 1996 (as amended). If the assessed contribution is calculated between £0 and £15,000, the Applicant will qualify for the Discretionary Disabled Relocation Assistance (the means test does not apply where the disabled person is a child).</li> <li>• The existing property must have been assessed by a Derbyshire County Council Occupational Therapist as requiring adaptations that fall within the eligibility of the mandatory Disabled Facilities Grant,</li> </ul>
<b>Details of Assistance</b>
<p>When Chesterfield Borough Council must be in receipt of a referral from Derbyshire County Councils social care team that meets the criteria listed above.</p> <p>The adaptation must be provided by Derbyshire County Councils mediquip contract. Derbyshire County Council will obtain all necessary permissions, prepare any drawings, obtain prices from experienced contractors, and order and supervise the works.</p> <p>Payment will be made directly to Derbyshire County Council on production of a satisfactory invoice.</p>

**Preliminary and Ancillary Charges**

- The Council charge an administration fee of 5% of the total cost of the adaptation works.
- Payment in relation to other preliminary or ancillary charges will not be made in relation to the grant.

**Conditions Attached to Financial Assistance**

There are no conditions attached to this assistance.

Local Land Charges will not be attached to such applications.

**Contact Details**

For further help and advice please contact us:

Telephone: 01246 345748

Email: [hia@chesterfield.gov.uk](mailto:hia@chesterfield.gov.uk)

By post:

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## 6. Home Repair Assistance

<b>Type of Assistance</b>
Home Repair Assistance
<b>Purpose of Assistance</b>
<p>This product is for those homeowners unable to access loans from mainstream lenders at affordable rates of interest, where increasing monthly outgoings is not an option and where a large amount of works are required.</p> <p>The purpose of this assistance is to remove significant hazards and to ensure vulnerable or disabled households can live in homes that are safe and free from serious defects or hazards and are warm and secure. in people's homes. This assistance is only available to cases that fall outside of the "Prevention of Hospital Admission and Successful Hospital Discharge Assistance".</p> <p>The minimum loan is £1,000. The maximum loan is £15,000</p>
<b>The Property</b>
<p>The property must be non decent and require work to:</p> <ul style="list-style-type: none"><li>• Remove Category 1 hazard</li><li>• Improve thermal comfort</li><li>• Replace aged/broken facilities (bathrooms/Kitchen).</li></ul>
<b>The Applicant</b>
<p>Home Repair Assistance is aimed at vulnerable home owners who:</p> <ul style="list-style-type: none"><li>• Have a medical condition or other vulnerability that may be affected by their housing conditions; or</li><li>• whose housing conditions are such that they may be detrimental to their health and wellbeing.</li><li>• The property must be the applicant's sole and only residence and:<ul style="list-style-type: none"><li>• Contain a household member who is 60 years of age or over; or</li><li>• Contain a child under 5 or a pregnant woman; or</li><li>• Contain a household member with a diagnosed health condition which is made worse by their living conditions. (The following conditions will be considered as part of the assessment - cardiovascular, respiratory, mental health, physical disability, addictions, terminal illness, suppressed immune system. life changing or life limiting conditions).</li></ul></li></ul>
<b>Eligibility</b>
<p>Referrals will be received through multiple channels.</p> <p>The applicant will be required to complete an application form following an inspection from the Council to ensure works meet the requirements of the assistance.</p> <p>Proof of qualifying eligibility criteria will be required in order to process the application. To be eligible, an applicant must meet all of the following criteria:</p> <ul style="list-style-type: none"><li>• Be over the age of 18 years.</li><li>• Hold the registered title to a property as their main residential home.</li></ul>

- Be an owner or joint owners(both joint owners must agree and accept the loan terms and conditions). of a freehold or minimum 99 year leasehold (minimum leasehold period can be varied if considered appropriate by the Discretionary Panel).
- Have owned and occupied the property for at least one full year prior to the application for assistance.
- Not be the owner of another property that could be reasonably occupied or disposed of for the purpose of raising essential funds.

The value of all loans secured on the property, including the proposed secured equity share loan, may not exceed 80% of the property value at the time of offering the loan. All outstanding mortgage and loans secured against the property must be taken into account and the proposed loan must also be able to withstand a 10% increase should unforeseen works occur and any associated loan fees

- Must not have received one of these loans or an equivalent loan, within the last 5 years (from date of certified completion).
- Be in receipt of one of the following benefits.
  - Income Support
  - Income based Employment Support Allowance
  - Income Based Job Seekers Allowance
  - Council Tax Support (not single person discount)
  - Guaranteed Pension Credit
  - Working Tax Credit (Income less than £16,105)
  - Disabled Persons Tax Credit (Income less than £16,105)
  - Child Tax Credit (Income less than £16,105)
  - War Disablement Pension
  - Industrial Injuries Disablement Benefit
  - Universal Credit
  - Personal Independence Payment
  - Attendance Allowance
  - Disability Living Allowance

#### **Details of Assistance**

The loan will assist homeowners living in non-decent properties who require financial support to improve their existing home by undertaking repairs and/or improvements which will help to bring it up to the Decent Homes Standard or other purposes by exception.

The assistance aims to:

- Remove Category 1 hazards from the property
- Improve thermal comfort
- Replace aged/broken facilities (bathrooms/Kitchen).

All works must be deemed as reasonable and practicable having regard to the age and condition of the property.

#### **Preliminary and Ancillary Charges**

- The Council charge an administration fee of 10% of the total cost of the adaptation works.
- Other fees and services properly incurred, such as building surveys incurred in association with the proposed adaptation works, other fees incurred in association with the proposed adaptation works.

### **Conditions Attached to Financial Assistance**

The Council will not accept more than two applications for assistance within a five-year period.

This assistance is limited to one application only, for the disabled person and/or members of their immediate family, within any 10year period.

Where an award has been made under this section of the Policy and the applicant dies before work to complete the adaptations is complete, The Council may decide not to pay some or all of the Disabled Facilities Loan.

The Council will, secure the conditions attached to this type of assistance by securing a local land charge against property. Consequently, all owners of the property will be required to consent to a charge being registered in favour of the Council against the property either in writing or by signing the legal charge.

The value of all loans secured on the property, including the proposed secured equity share loan, may not exceed 80% of the property value at the time of offering the loan. All outstanding mortgage and loans secured against the property must be taken into account and the proposed loan must also be able to withstand a 10% increase should unforeseen works occur and any associated loan fees.

An applicant can repay the grant in full or in stages at any time throughout the duration of the assistance.

The maximum loan value may be increased in exceptional circumstances and these cases will be considered for a final decision by the Private Sector Housing Manager.

### **Contact Details**

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## 7. Prevention of Hospital Admission and Successful Hospital Discharge Assistance

<b>Type of Assistance</b>
Prevention of Hospital Admission and Successful Hospital Discharge Assistance
<b>Purpose of Assistance</b>
<p>This assistance is administered on behalf of Chesterfield Borough Council, by the Healthy Homes Team at Derbyshire County Council.</p> <p>This discretionary assistance is to support the aim of reducing the likelihood of hospital admission or the need for bed-based care. This fund will give prompt assistance to people who are at high likelihood of hospital admittance or are fit to be discharged from hospital, however there is a housing related reason that is preventing discharge back to their home.</p>
<b>The Property</b>
The property subject to the application must normally be the applicant's permanent residence.
<b>The Applicant</b>
<p>The applicant must be an owner occupier or at the Council's discretion living within the private rented sector or a tenant of a registered provider.</p> <p>Applicants must be in hospital or a health or social care funded placement or is likely to need emergency admission due to the housing or living conditions.</p> <p>In all cases an applicant must be deemed capable of living independently by the relevant healthcare professional making the referral.</p>
<b>Eligibility</b>
<p>This discretionary assistance is for people in hospital or a health or social care funded placement whose discharge is delayed due to the conditions of their home; or the assistance will prevent emergency admission into hospital, or a health or social care funded placement.</p> <p>This assistance is not subject to a means test or any qualifying criteria.</p>
<b>Details of Assistance</b>
<p>Works will be determined on a case by case basis which will facilitate the purpose of this fund.</p> <p>Eligible works can include those listed below however this is not exhaustive and any works that reduce the need for bed-based care will be considered.</p> <ul style="list-style-type: none"> <li>• Urgent repairs to remove serious hazards</li> <li>• Heating repairs or improvements</li> <li>• Property clearance and one off deep cleans of hoarded goods.</li> </ul> <p>Work excludes packages of care funded by social care or health.</p>

A referral is required by a relevant health or social care professional supporting the application.

In all cases applications for assistance will be administered as soon as reasonably practicable.

**Preliminary and Ancillary Charges**

No Preliminary or Ancillary charges are incurred in relation to this grant.

**Conditions Attached to Financial Assistance**

If the cost of the works exceeds the maximum financial assistance available, the Healthy Homes Team at Derbyshire County Council will liaise with the Private Sector Housing Manager.

The Council will not pay for works carried out without prior approval.

**Contact Details**

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