

Three Rivers District Council

# Housing Assistance Policy

March 2024

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## **1. Introduction and Background**

- 1.1. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) gave local housing authorities the power to adopt discretionary policies with regard to housing interventions to further promote independent living and wellbeing.
- 1.2. The Disabled Facilities Grant delivery: Guidance for Local Authorities in England, published in March 2022 by the Department of Levelling Up, Housing And Communities (DLUHC) and the Department of Health and Social Care, provided guidance to local authorities to how they can effectively and efficiently deliver DFG funded adaptations to best serve the needs of older and disabled people. This guidance has been considered in the creation of this Policy.
- 1.3. This Policy sets out how Three Rivers District Council will provide financial assistance to enable residents to remain independent in their homes, for as long as possible, through disabled adaptations.
- 1.4. The Disabled Facilities Grant (DFG) is a mandatory grant, provided under the Housing Grants, Construction and Regeneration Act 1996 ('the 1996 Act'), towards the cost of eligible works necessary to support people of all ages and most tenures, with the aim to assist them to live independently and safely in their own homes. Local Authorities have a statutory duty to provide mandatory DFGs to applicants who qualify.
- 1.5. DFGs are available to disabled adults and children when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling.
- 1.6. DFGs for adults are subject to a test of financial resources which means that the applicant's income and savings must be assessed. DFGs for children are not means tested (applications for anyone under the age of 18 will need to be made by an appropriate adult, who must be over the age of 18).
- 1.7. Prior to agreement of a DFG an Occupational Therapist (OT), or other suitably qualified person with signoff by an OT, will assess whether any works are necessary, but the statutory responsibility for providing the DFG is with the Council. The Council is provided a set sum of money each year from Hertfordshire County Council, which is to be used specifically for providing grants to help disabled people to live more independently in their own homes.
- 1.8. Although the Council holds the statutory duty to provide the DFGs, they are currently administered on behalf of the Council by The Building Control (Hertfordshire) Company with Three Rivers District Council having to approve or reject the grant prior to it being administered. This may be subject to change throughout the period of this Policy and any reference to the Council within this policy could include those who are acting on behalf on the Council.

1.9. This Policy covers two different types of grants:

- Mandatory Disabled Facilities Grants – This sets out the mandatory legal framework for DFGs in accordance with the 1996 Act including eligibility criteria and the prescribed means test assessment.
- Discretionary Disabled Facilities Grant Top Up – This sets out the Council’s policy to provide discretionary interventions to promote independent living and wellbeing. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) and latterly the Better Care Fund enable councils to support the wider prevention agenda of housing, social care and health authorities.

## **2. Aims of the Policy**

2.1. This Policy supports the Council’s vision of ‘A great place to live, work and visit’, specifically providing our residents with access to good quality housing and supporting our most vulnerable residents.

2.2. To ensure that residents in Three Rivers receive the necessary assistance to help them live in their own homes, safely and with dignity, with the right adaptation when they need it.

2.3. To reduce the need for residential care by allowing people with disabilities to live more independently in their own homes.

2.4. This Policy will contribute to ensuring that all users and potential users of services, and employees are treated fairly and respectfully with regard to the protected characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion, sex and sexual orientation.

## **3. General Expectations**

3.1. The Council’s decision making will consider the legislative requirements of providing works that are necessary and appropriate to meet the needs of the applicants and are reasonable, and practicable in their nature regarding the age and condition of the property, whilst following some specific expectations and presumptions:

3.1.1. Works should properly and fully meet the assessed needs of the disabled occupier. Grants that only partially meet those needs will only be considered in exceptional cases, where the failure to award a grant would lead to a significant health impact on a customer,

3.1.2. Any works funded using a DFG will be the simplest and most cost-effective adaptations that will meet the client’s assessed needs. This will include ‘making good’ any works, such as painting or adapting floor coverings to disturbed areas,

- 3.1.3. Wherever the Council judges it to be a practicable and realistic option, the rearrangement and/or change of use of existing rooms will be the preferred solution and will take precedence over the construction of extensions.
- 3.2. Any applications for a grant will not normally be considered if the relevant works have already been completed. However, applications for grant aided work may be considered on a case-by-case basis, where the relevant works have begun but have not been completed.
- 3.3. The Council may approve the application for a grant in these circumstances if they are satisfied there were good reasons for beginning the works before the application was approved. The Council may consider good reasons as the following, although this list is not exhaustive:
- To enable an urgent discharge from a hospital or other medical institution.
  - To eliminate a significant safety or fire risk in the property.
  - To eliminate significant costs incurred to an individual, family members or organisation associated with the care of a recipient.

#### **4. Mandatory Disabled Facilities Grants**

- 4.1. Mandatory DFG grants are available for people who are disabled and for qualifying works as set out in Section 23 of the 1996 Act.
- 4.2. A Local Land Charge will be placed on the owner occupier's adapted property where the grant exceeds £5,000. The land charge will be limited to a maximum of £10,000 which is the mandatory statutory limit. Further information on this charge can be found in Appendix One.

#### **5. Eligibility for Mandatory Disabled Facilities Grants**

- 5.1. All owner-occupiers, tenants, licensees or occupiers meeting the statutory criteria and financial assessment set out in the 1996 Act are eligible to apply for DFGs. The DFG maximum is set by the Government and is currently £30,000. To be eligible for assistance an assessment must be undertaken by a suitably qualified Occupational Therapist.
- 5.2. A summary of the application process and the grant conditions can be found in Appendix One.

#### **6. Extended Warranties**

- 6.1. Where available, and in circumstances where the maximum funding will not be exceeded by providing this, extended manufacturer's warranty and servicing contracts will be provided for all relevant adaptations and equipment (lifts, wash dry toilets, automatic doors etc.) for private tenants and owners.

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

7.1. The Department of Health and Social Care has stated that DFG funding will continue to be included within the Better Care Fund to “encourage areas to think strategically about the use of home aids and adaptations, use of technologies to support people in their own homes and to take a joined-up approach to improving outcomes across health, social care and housing”. This has allowed greater flexibility for the use of the grant funding provided to the Council, but all expenditure must be based on the requirements of the Better Care Fund and aim to achieve at least one or more of the core principles below:

- Reducing or eliminating hospital admissions
- Allowing speedier discharge from hospital
- Considering the long-term needs of individuals and reductions in associated treatments and social care costs; and
- Undertaking works, adaptations or provision of equipment that is not provided by another service.

7.2. This grant is intended to assist in cases where a major adaptation has been identified as essential to meet the needs of the disabled person, once all other options such as moving home, or internal alterations have been considered.

This will only be available to applicants who have met the criteria for a mandatory DFG, set out in the 1996 Act, and who require additional funding beyond the £30,000 maximum mandatory DFG they have been awarded, to pay for the adaptations or to move to another suitable property which has already been adapted.

7.3. All applications for top up assistance will be means tested using the same criteria and methodology used for mandatory DFGs.

7.4. Any discretionary grant will only be provided in the most exceptional circumstances and subject to funds from the Better Care Fund (BCF), provided to the Council on an annual basis, being available. The applicant will be required to evidence that all other possible funding mechanisms have been explored, including additional funding that may be made available from Hertfordshire County Council (HAP funding).

7.5. Only reasonable costs would be considered for this discretionary grant and any award of a discretionary grant will be limited to £15,000 per recipient.

7.6. Any discretionary grant awarded will only be available for eligible works.

7.7. Any decision to award or refuse a discretionary grant to an applicant must meet the conditions listed in 7.1 and also will consider the following:

- If there are any viable alternatives to the works requested.
- If the refusal of discretionary assistance would lead to a significant health impact for the applicant.

- Any previous award of discretionary assistance (if any).
- 7.8. The decision to award any discretionary grant will be taken by the Council's Strategic Housing Manager or the Council's Associate Director of Strategy, Partnerships and Housing.
- 7.9. Discretionary assistance will not be awarded in the following circumstances:
- The request for discretionary assistance exceeds £15,000. However, where the additional works required to a property exceed the £15,000 Disabled Facility Grant Top Up, the Council may still award up to £15,000 to the applicant, if proof of the additional funds required to complete the works is provided. This limit will include any previous award of discretionary assistance granted to a recipient.
  - The applicant moving to an alternative suitable property is a viable option.
  - The applicant has a live application for re-housing on the Council's Housing Register.
- 7.10. Given the unpredictable nature of the demand, costs and funding, it is important to note that any type of discretionary assistance may be withdrawn by the Council at any time.
- 7.11. Discretionary assistance may be refused in cases where an applicant is found to have an outstanding debt with the Council of any kind.
- 7.12. A local land charge for the full amount of the discretionary grant will be placed on the owner-occupied property for up to a ten-year period. This will be in addition to the amount recoverable as a condition of a mandatory DFG.

## **8. Additional information**

- 8.1. Repair, maintenance, and upkeep of a property remains solely the responsibility of the owner/landlord. The Council will target its limited resources to assist the most vulnerable residents in accordance with this policy.
- 8.2. This policy will be implemented in accordance with the Council's financial regulations and departmental procedures.
- 8.3. Any agreement for eligible works is between the grant recipient and the contractor completing the works and not the Council.
- 8.4. All financial grants/assistance will be calculated based on a reasonable cost of eligible works identified by the Council.
- 8.5. All payments relating to financial assistance will be made directly to the contractors/agents unless otherwise specified and only after provision of a signed agreement for works between the applicant and the contractor.

8.6. No payment will be made until the relevant work is completed to the Council's satisfaction.

8.7. The Council is not liable for the works, they can however help the applicant in the process of appointing and monitoring a contractor.

## **9. Exceptions and delegated authority**

9.1. Applicants can also apply if they are suffering a rapidly progressing and highly debilitating condition such as Motor Neurone Disease (MND) and may not be subject to the same means test as other applicants. In such circumstances, the Council will consider:

- A fast-track process with no means testing for works up to £5,000.
- Discount earnings of the applicant during the means test where larger scale works are assessed as being necessary and appropriate.

9.2. Assistance outside of those set out above can be awarded at the discretion of the Strategic Housing Manager or Associate Director of Strategy, Partnerships and Housing. Such an award will only be made subject to the provision of the Regulatory Reform (Housing Assistance) England and Wales Order 2002 and subsequent guidance.

## **10. Repayment of Grant Monies by Applicants**

10.1. Any grant monies repaid by applicants to the Council for whatever reason (e.g. breach of grant conditions, ceasing occupation etc.) will be paid into the DFG or discretionary fund from which they originated, so that this funding can be recycled via further grants to other residents in need.

## **11. Review of policy**

11.1. The policy will be reviewed every three years or following changes to the relevant law, funding levels or the cycle of funding allocations.



## Appendix 1 - Application Process

In order for the Council to consider approving a DFG, a valid application must have been received. Such an application consists of:

- A fully completed application form.
- A recommendation from an appropriately qualified professional for example an Occupational Therapist (OT).
- Details of passported benefits (as below) and/or information necessary to apply the test of resources (means test).
- Details of any additional fees or charges, e.g. architects or structural engineers.
- Certificate of Future Occupation (normally 5 years).
- Proof of Title (e.g. from the Land Registry).
- Cost of works, drawing, schedule, and proof of ID.

In addition, where appropriate:

- The property owner's consent

Passported benefits include:

- Income Support
- Jobseekers Allowance (income-based)
- Employment and Support Allowance (income-based)
- Guarantee Pension Credit (not Savings Pension Credit alone)
- Universal Credit
- Working Tax Credit and/or Child Tax Credit (where an annual income for the purpose of the tax credits assessment was below £15,050)
- Housing Benefit
- Council Tax support

The DFG legislation requires that all valid and completed grant applications are to be determined no later than six months after a completed application is received by the Council, however, we aim to determine all applications within a month.

### Eligible Expenses

The Council is only required to provide the relevant grants, it is not within their statutory duty to organise or supervise the works. The Council can however assist the applicant in making their application for a set agreed cost.

The Council works in partnership with external contractors who undergo a robust tendering process to come up with an agreed schedule of works and costings for the required aids and adaptations.

Works that fall outside of this scope will require two comparable estimates for the recommended works, which should be provided by the applicant.

The amount which is potentially grant fundable is estimated by considering the following:

- The relevant works which are eligible for grant funding (the grant eligible works).
- The amount of the expenses to be properly incurred in the execution of the eligible works.
- Costs attributable in relation to grant works, i.e. fees and charges.
- Extended warranties for lifts, wash-dry toilets, automatic doors etc.
- The 'test of resources' which determines the applicant's financial contribution to the works.
- For the mandatory disabled facility grant, the relevant person is the subject of the means test. The relevant person is the person who will benefit from the proposed grant eligible works.

In some cases where significant works are required, following the financial means test, an applicant may be required to make a financial contribution towards the cost of the works, that will reduce the overall amount of the mandatory grant to under the £30,000 maximum. In these cases, should the works required exceed the mandatory grant awarded to an applicant, the applicant may be able to apply for further financial assistance under the Council's Discretionary Disabled Facilities Grant Top Up (see Section 7).

Applications in respect of dependant disabled children and young people in full-time education under the age of 19 are exempt from the financial means test.

If the applicant chooses to make their own application and/or appoint their own agent, two estimates will be required to support the application and normally the cheapest will be chosen. The eligible amount of fee will be based on the Council's preferred contractor. The reasonable cost of an appointed agent or other necessary associated professional fees, such as an architect or structural engineer, are eligible for DFG.

### **Payment of Grant**

Grant payments will be made when the grant eligible works are completed satisfactorily and on receipt of the contractor's invoice. Council Officers may inspect the grant works during their progress and are able to make interim payments where appropriate.

Grant monies are actually legally awarded to the applicant and it is they who are technically responsible for paying their contractors. However, it is common practice for most grant applicants to request that payments are made directly to the contractor or agent.

It is important to note that the Council's Officers act on behalf of the Council to ensure public funds are spent correctly and value for money is achieved. If the Council acts as project manager, it does not guarantee the work and any disputes arising between applicants and the contractors are primarily the applicant's responsibility.

### **Grant Conditions**

The grant eligible works must be undertaken by the contractor(s) who provided the approved estimate(s) included in the application. Prior permission shall be obtained in writing from the Council by the applicant before any change in contractor takes place. The use of a different contractor without permission may result in cancellation of the grant and/or repayment by the relevant person.

The amount of grant approval can be re-determined where the eligible works cannot be completed without carrying out unforeseen or further works. However, costs cannot exceed the maximum amount of DFG award as detailed in section 5.

Unforeseen works can only be considered for grant funding by the Council where the work has not started prior to being agreed as 'unforeseen work' by the Council.

If applicants are required to contribute financially to the project, this must be paid and satisfactory evidence must be provided that payment has been made, i.e. a signed and dated receipt, before the Council will make any grant payment.

Where works are taking place in addition to grant aided works, which are not grant aided and are being funded by the applicant, these works must be completed and paid for by the applicant before any grant payment is released in relation to the grant eligible works.

Grant eligible works must meet all the professional recommendations regarding the disabled person and any alternative scheme must have the prior written agreement of the recommending professional before grant funding is approved.

In the event of a breach of any of the conditions set by the Council, repayment may be demanded from the applicant/owner/occupier/landlord/trustee/beneficiary (whichever is appropriate) in a sum up to or equal to the amount of the grant paid or any interim payment made. The Council has the discretion either not to demand repayment, or to require payment of less than the full amount provided.

### **Local Land Charge**

A Local Land Charge will be placed on the owner occupier's adapted property where the grant exceeds £5,000. The land charge will be limited to a maximum of £10,000 which is the mandatory statutory limit.

The assistance will be registered as a Local Land Charge and will be enforced when the applicant has disposed (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the assistance was given. In this event, the Council may require repayment of the land charge before it is removed from the local Land Charges Register. The Charge will be incurred if the property is sold within 10 years, subject to the consideration of the criteria set out in The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

The considerations are;

- The extent to which the recipient of the grant would suffer financial hardship.
- Whether the disposal of the premises is to enable the take up of employment.
- Whether the disposal is made for reasons connected with the physical or mental health or wellbeing of the disabled person.
- Whether the disposal is made to enable the recipient of the grant to live with, or near, any person who can provide care.

The applicant is required, from the certified date of the grant, throughout the grant condition period of 10 years, to notify the Council of their intention to sell or otherwise dispose of the property. The applicant will need to provide the Council with any information reasonably requested by them in connection with such notification.

