



Kirklees Council Private Sector Housing Assistance Policy

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1. Introduction

Kirklees Council's Private Sector Housing Assistance Policy sets out the ways in which we deal with housing in the private sector, including the provision of housing assistance. The Policy is based on the Council's statutory powers and links to and supports the Council's strategic priorities and objectives as set out in the Economic and Health and Wellbeing Strategies and in the Kirklees Council Housing Strategy. As such, it reflects the evidence base which has informed these strategies. These include the Kirklees Strategic Housing Market Assessment (SHMA) 2015 and the Kirklees Joint Strategic Assessment (KJSA) 2016 and the Private Sector Stock Condition Survey 2016.

2. Policy Statement

The key purpose of the policy is to set out how the Council will improve living conditions in the private housing sector by providing assistance to residents and landlords in relation to them:

- Finding and keeping an affordable and suitable home.
- Adapting or improving their home.
- Repairing and managing living accommodation.

The policy has regard to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004 which are referenced below.

2.1 Power to provide financial and other assistance

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ("the 2002 Order")¹ gives a power to local authorities for the purpose of improving living conditions in their area by enabling a local housing authority to provide, directly or indirectly, assistance to any person for the purpose of enabling them:

- (a) to acquire living accommodation (whether within or outside their area);
- (b) to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of anything or injection of any substance, or otherwise);
- (c) to repair living accommodation;
- (d) to demolish buildings comprising or including living accommodation;
- (e) where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include replacement living accommodation.

The power to acquire living accommodation (at (a) above) may be exercised to assist a person to acquire living accommodation only where the Council -
a) Have acquired or propose to acquire (whether compulsorily or otherwise) their existing living accommodation; or

¹ 2002 No. 1860

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b) Are satisfied that the acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by the carrying out of work of any description in relation to their existing living accommodation.

Assistance may be unconditional or subject to conditions, including conditions as to the repayment of the assistance or of its value (in whole or in part), or the making of a contribution towards the assisted work; but before imposing any such condition, or taking steps to enforce it, a local housing authority shall have regard to the ability of the person concerned to make that repayment or contribution.

Before a local housing authority provide assistance to any person, they shall—

(a) give to that person a statement in writing of the conditions (if any) to which the assistance is to be subject; and

(b) satisfy themselves that that person has received appropriate advice or information about the extent and nature of any obligation (whether financial or otherwise) to which he will become subject in consequence of the provision of assistance.

In relation to adapting or improving living accommodation, repairing living accommodation and demolishing buildings (at (b), (c) and (d) above) the Council may not provide assistance for the purposes of the same unless it is satisfied that the owner of the accommodation concerned has consented to the carrying out of the assisted works.

The assistance that may be provided under the 2002 Order is separate to and in addition to assistance provided in the form of Disabled Facilities Grants available under the Housing Grants, Construction and Regeneration Act 1996.

Conditions apply to the exercise of the powers under the 2002 Order. These will be set out in more detail below where relevant.

The Order provides a general power enabling local housing authorities to provide assistance for housing renewal. The power enables Local Authorities to give assistance to persons directly, or to provide assistance through a third party such as a Home Improvement agency, specialist financial intermediary or other special purpose vehicle. Assistance can be given to pay for any fees and charges associated with the assisted works. Assistance given under the general power may be unconditional or subject to conditions, for example the requirement to repay a grant if the property is sold within five years.

This policy meets the requirements of the 2002 Order and sets out under what circumstances the Council may provide assistance to home owners for housing renewal, repair and adaptation, through grants, loans, a charge on the property, or a combination of these.

This policy is designed to provide guidance for both officers of the local authority and members of the public seeking assistance. It sets out, at least in broad terms, how the Council will exercise its powers under the 2002 Order. The Council should emphasise that the local authority retains discretion in all cases but will seek to exercise that discretion in accordance with the overarching purpose of improving living conditions and the Council's aims and objectives as set out in the Housing Strategy.

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Cabinet agreed on 17 January 2017 that authority be delegated to the Assistant Director of Place or designated person with responsibility for Housing, in consultation with the Portfolio Holder, to make future minor amendments to the Private Sector Housing Assistance Policy in order to comply with legislation, guidance and case law.

3. Kirklees Council Housing Services – Our Role

The Housing Solutions Service (HSS) and Accessible Homes (AHT) teams within the Council's Housing Services are the main source of cross tenure housing related information and advice for residents and others in relation for example to renting in the private sector or with housing associations (registered providers), hostel accommodation and the provision of an assessment, adaptation and rehousing service for disabled people in Kirklees regardless of their age.

The teams provide information and advice in relation to the assistance available under the 2002 Order. In addition home owners or tenants will be signposted to any sources of funding that may be made available under the 2002 Order or other statutory provision which may be available at any given time.

Housing Solutions Service provide customers with:

- Access to housing information and guidance.
- Advice on a range of cross tenure housing options.
- Assessment of housing need including the prevention of and assessment of homelessness.
- Information and advice to private sector landlords and tenants and some home owners.
- Housing related support to enable vulnerable people to maintain their accommodation.
- Advice on maintenance/crowding issues if requested by home owners.

Accessible Homes provide customers with:

- Individual and holistic assessments of people in their homes,
- Advise and equipment to assist individuals, their family and carers,
- Minor adaptations (a minor adaptation is less than £1,000),
- Major adaptations provided through Disabled Facilities Grants (DFG) (a major adaptation is greater than £1,000 or more), in accordance with the Housing Grants, Construction and Regeneration Act 1996.
- Other major adaptations for Local Authority tenants.
- Means testing of eligible applicants (not children).
- Advice and support for those people in unsuitable accommodation to rehouse to alternative accommodation more suited to their needs.

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4. The Private Sector Housing Assistance Policy

The Council has discretion to provide assistance for the purpose of improving living conditions in Kirklees, to support its current corporate priorities. The Council will consider the financial and other circumstances of individual applicants in each case.

Assistance under the 2002 Order is set out in the Policy Statement.

Assistance may be provided in any form, not just financial assistance.

The Council may take the form of security in respect of the whole of any assistance.

Where any such security is taken in the form of a charge on any property, the Council may at any time reduce the priority of the charge or secure its removal.

The Council may require any person seeking assistance to give such information or evidence as the Council reasonably requires for purposes connected to the exercise of its power to provide such assistance within such period as is reasonable.

Should appropriate funding become available, the Council will look to utilise it, within the broader objectives of this policy and its corporate priorities at that time.

4.1 Private Rented Sector

The Council will continue to drive improvements in the Private Rented Sector (PRS) through advice and assistance to private landlords and tenants. This can be both reactive, responding to tenants complaining of disrepair, and through proactive interaction with private landlords. We will:

- Inspect properties and assess them using the Housing Health & Safety Rating System (HHSRS), Housing Act 2004, to identify health and safety hazards within the property. Initially, the inspecting officer will advise and assist the landlord to eliminate or significantly minimise the hazards identified. In addition to advice and encouragement, the full range of legislative enforcement tools available at the time will be considered in securing appropriate works. A similar approach will be taken in cases of threatened or actual harassment or illegal eviction relating to occupiers of privately rented domestic accommodation.
- Provide advice and assistance on accessing privately rented accommodation for clients assessed by the council as homeless, or threatened with homelessness. We will also liaise with private landlords to ensure that properties are free from significant HHSRS hazards and will facilitate a sustained tenancy. We will work closely with both the landlord and prospective tenant to establish and maintain successful tenancy outcomes.

The key outcomes include:

1. Raising / improving standards in the private rented sector.
2. Accommodating tenants in PRS who may otherwise have occupied a unit of council owned stock.
3. Reducing the period of use of temporary accommodation by increasing numbers of properties available to eligible potential tenants.

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- Assisting potential tenants into PRS by the provision of appropriately available products such as a “Bond Guarantee” who may otherwise have found themselves unable to access reasonable quality privately rented homes.

The Council will also use its powers under the 2002 Order where possible as part of its overall strategy to improve living conditions in the private rented market subject to the conditions and procedure outlined in this Policy.

4.2 Kirklees Accreditation Scheme

The Council’s Accreditation scheme encourages participating owners of homes in the PRS to meet acceptable property and management standards, improving the quality of rental accommodation available in the area. It is also a ‘kite-mark’ acknowledging that the property and management is of an acceptable standard. This can be used by the landlord for marketing and promotional purposes.

Properties identified by and used by the HSS to secure private rented accommodation for people in housing need will be ‘pass ported’ onto the accreditation scheme.

The service also encourages positive dialogue and relationships between the Council and owners-managing agents in the PRS.

4.3 Empty Homes

The Council’s strategy on empty homes is to bring as many properties back into use as possible through a combination of support and advice to homeowners and working in partnership with relevant organisations such as Registered Providers (RPs) and local community organisations. We will:

- Encourage owners of empty properties to bring homes back into use. So as to increase the overall housing stock by utilising existing property, and reducing crime and anti-social behaviour which is often associated with empty domestic properties.
- Monitor referrals and complaints about empty domestic properties. So as to wherever possible ascertain the owner’s intentions for the property; and take where necessary action, as appropriate, using current relevant legislation to ensure properties remain secure and safe.
- Publicise and proactively encourage owners of empty property to take up any relevant financial assistance available at any given time, which may be of a national or local nature.
- Liaise with owners of empty homes to encourage them to bring their property back into use. Signpost owners to appropriate advice and any incentives available. As a last resort take enforcement action, if it is considered appropriate and necessary, based on legal remedies available at any given time, and depending on individual circumstances.

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4.4 Houses in Multiple Occupation (HMO)

The Council's duties and responsibilities in relation to HMO come from the Housing Act 2004 and relevant guidance. The Council's key focus is to identify, and ensure compliance of, statutory licensable HMO. We will:

- Promote the fact that it is the responsibility of owners of licensable HMO to ensure that they hold the appropriate licence and adhere to the necessary conditions.
- Process the necessary licence application and ensure the required property and management conditions are met.
- Monitor property and management standards within HMO in accordance with legislation and maintain a proactive inspection programme prioritised on a risk assessment basis.
- Monitor HMO occupancy levels, ensuring that room sizes and amenity standards are adequate for the number of occupiers, and that no more than one person shall occupy any bedroom unless they are a member of the same household.
- Respond reactively to complaints received about HMO, using informal action to resolve complaints. Where necessary and appropriate, we will consider all options, available at the time, to ensure compliance.
- In some cases inspect those HMO that do not require a license and take action wherever necessary to make sure they are maintained to a good standard and are well managed.
- Continue to liaise/work with other relevant bodies, for instance fire service, educational establishments, to ensure compliance with relevant standards, minimise risk to occupiers and raise standards where appropriate and necessary.

4.5 Home Adaptations

The Council recognises the growing challenges presented by an ageing population and the increasing number of children with severe disability living longer and the demands this places on all services. Making changes to homes so they are more accessible enables disabled children and adults to lead more independent lives. Adaptations and equipment can restore dignity, improve safety and make life easier for both disabled people themselves and for their carers. In addition they can be crucial in avoiding a move into care or in enabling someone to leave hospital.

Funding is available to help with the cost of providing home adaptations for some disabled people. Disabled Facilities Grants (DFG) are the way that major adaptations in the private sector are funded. Adaptations to council houses are progressed in the

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same way as for private sector housing adaptations but are funded differently by the Council. The process for council tenants and other tenures therefore the same.

Aids and minor adaptations may be available in certain circumstances under Part 2 of the Community Care (Delayed Discharges etc.) Act (Qualifying Services) (England) Regulations 2003. This may allow the Council to provide aids or minor adaptations to properties as long as it is for the purposes of assisting with nursing at home or aiding daily living. There is no charge for this but the aid or adaptation should not cost more than £1,000. Help with adaptations may also be available as part of a community care package provided by the Council's social care services.

The following information is anticipated to meet the Council's responsibilities regarding the above.

Disabled facilities grants

Disabled facilities grants (DFG) are financial grants provided by the Council to help with the cost of adapting a property to meet the needs of a disabled occupier.

To be eligible for a DFG, you must be one of the following:

- an owner occupier;
- a private tenant;
- a landlord with a disabled tenant;
- a local authority tenant; or
- a housing association tenant.

Some occupiers of caravans and houseboats are also eligible.

If one of the above is applying for the grant for someone in the household who is disabled, this must be stated on the application for the DFG.

The maximum DFG is £30,000. This amount is set out in the Disabled Facilities Grant (Maximum Amounts and additional purposes) (England) Order 2008. (2008 No. 1189)

A person is 'disabled' for the purposes of a DFG application if-

- Your sight, hearing or speech is substantially impaired;
- you have a mental disorder or impairment of any kind;
- you are substantially physically disabled by illness, injury, impairment present since birth, or otherwise; or
- you are registered (or could be registered) disabled with the social services department.

A disabled person may get a DFG to help him or her in a number of ways, including the following:

- easier access to and from the property (such as widening doors or installing ramps);

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- making the property safe for the him or her and others living with them (such as a specially adapted room where a disabled person could be left safely unattended or providing improved lighting for a disabled person with sight problems);
- easier access to a room used or that can be used as the principal family room;
- easier access to a room used or that can be used as a bedroom.
- easier access to a room in which there is a lavatory, bath or shower (such as by providing a stairlift);
- providing a room in which there is a lavatory, bath or shower, and wash-hand basin;
- the use of a lavatory, bath or shower or wash-hand basin;
- to assist with preparing and cook food;
- by improving or providing a suitable heating system; using a source of power, light or heat (for example adapting heating or lighting controls to make them easier to use);
- easier access and movement around the home to enable the disabled person to care for someone dependent on them, who also lives there (such as a child, husband, wife or partner); or
- easier access to the garden or make access to the garden safe - the garden can include a yard, outhouse or other facility within the boundary of land attached to your dwelling. It can also include a balcony or land next to the mooring of a houseboat.

Applicants should not have any work carried out on the property until the Council approves the DFG application. If the work is urgent, the applicant should contact the Council to discuss this. The applicant will also need to ensure that separately any planning or building regulations approval needed is obtained.

A DFG is mandatory (i.e. you are entitled to one if you satisfy the conditions for it) but in order to approve an application, the Council must be satisfied that the works are both 'necessary and appropriate' for the needs of the disabled person, and 'reasonable and practicable' in relation to the property.

In order to check whether the works are necessary and appropriate, the Council may ask for an assessment to be completed, such an assessment may be provided by an Occupational Therapist or such other person deemed adequately trained and supported to undertake such an assessment on behalf of the Council.

The DFG (or major adaptation to a local authority property) will be means-tested save in the following broad circumstances –

(a) when the disabled person is a child - there is no means test for a DFG if an application is made for the benefit of a child or young person under the age of 19 and in receipt of child benefit (for people under the age of 19 and not in receipt of such a benefit contact the Council for advice),

(b) where the sum of all eligible works cost less than £5,000.

(c) where the single eligible work or recommendation is for the provision is for one of the following, a stairlift, a fixed hoist or a wash/dry toilet.

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There is a statutory 6-month time limit for the Council to give a decision in relation to an application for DFG assistance. This starts from the date of the formal application. Sometimes the Council may specify a date of payment for the grant, but this should be no later than 12 months from the date on which the application was made.

Works should be undertaken by the contractor specified on the formal DFG approval. Should the specified contractor be unable to do the work or where the disabled person requests a change in contractor this should information or request should submitted to the Council's AHT. A surveyor in the AHT will consider such requests and may reissue a revised DFG approval specifying the new contractor.

Requests for adaptation work to be undertaken by family members should be made to the AHT. Where such requests are made the Council may only consider allowing for the cost of materials in the formal DFG approval.

The grant will only be paid when the Council is satisfied that the work has been completed to their satisfaction and in accordance with the grant approval. Payments will generally be made directly to the contactors (or agents) specified on the DFG approval. Interim payments may be considered by the AHT at certain stages of the adaptations as they progress. The availability of stage payments should not be assumed and the disabled person or their family must satisfy themselves in this regard at the outset. It is the disabled person or their family's responsibility to ensure that they instruct their agent and/or contractor accordingly.

Any contractors, including agents, undertaking DFG are employed by the disabled person and/or their family directly and not the council. Although work has to be completed to the satisfaction of the council the council are not responsible for supervising the works as they progress.

Discretionary assistance

In some cases, the cost of adaptations will exceed the £30,000 maximum imposed by the legislation. In those cases additional financial assistance may be available under Council's discretion pursuant to the 2002 Order.

The following is a summary of the mandatory assistance available and also the further assistance available using the powers afforded by the RRO 2002;

- **Minor adaptations** (all tenures)
Mandatory works costing less than £1,000 are funded without any test of resources being undertaken.
- **Major adaptations/DFG's** (all tenures)
Major adaptations are those where the cost of eligible works is in excess of £1,000
Major mandatory adaptations where the total sum of all eligible works cost between £1,000 and £5,000 are provided without a test of resources. In addition, where the eligible work or recommendation is solely for the provision for one of the following on it's own, a stairlift, a fixed hoist or a wash/dry toilet, then this can be provided without a test of resources.
Major mandatory work costing between £5,000 and £30,000 are funded subject to a test of financial resources (adults only). The requirement to means test

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children for adaptations was removed in December 2005. *The Housing Renewal Grants (Amendment) (England) Regulations 2005 (SI 2005/3323)*

The local authority reserves the discretion to impose a limited charge on a property provided with a DFG, if it is sold or otherwise disposed of within 10 years. Where this charge is imposed the DFG must have exceeded £5,000 and the maximum charge allowable is £10,000. The total charge therefore allowable is between £5,000 and £10,000. It is expected that the local authority may only consider imposing such a charge where the provision of a DFG is seen as increasing the value of the property, for example those instances where the floor area has been increased or where additional facilities such as bathrooms or wc's have been provided. Such a charge may also be considered where the disabled person or their family have chosen to offset the cost of eligible expense towards their preferred scheme as detailed on page 14 of the policy.

This is a general consent given to Local Authorities and is cited as the Housing Grants Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and came into force on 22 May 2008.

The imposition and subsequent repayment of such a charge will be determined on a case by case basis reflecting the individual circumstances of each applicant. Subsequent repayment of a charge will take into account sections 3. (2) (a) and 3. (2) (b) i-iv of the above citation. Further information regarding this can be obtained by contacting the AHT.

- **Adaptations costing in excess of £30,000 – Home Appreciation Loans**
Situations may arise where adaptations are deemed 'necessary and appropriate' and 'reasonable and practicable' but where the cost is estimated to exceed £30,000 which is the mandatory limit set by the "Disabled Facilities Grant and Home Repair Assistance (Maximum Amounts and Additional Purposes order) (England) Order 2008".

For discretionary funding to be considered in these circumstances the AHT will have considered the following;

1. Are adaptations considered 'necessary and appropriate' and 'reasonable and practicable?'
2. Are there no other options available within a reasonable timeframe such as rehousing? Consideration in this respect will be had to things such as giving and/or receiving care, where this might influence/limit an area of choice. If children are involved consideration will also be given to schooling which may also influence areas and availability for rehousing.
3. Do families wish to fund the adaptations in excess of the mandatory amount themselves?
4. The amount of resources available to the household to fund costs in excess of £30,000 themselves.

If the above have been considered and the options exhausted then discretionary assistance (subject to the availability of resources) can be considered, this is generally where the total cost of adaptations does not exceed £60,000). This

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assistance is in the form of an equity based loan known as a Home Appreciation Loan (HAL).

For home owners a HAL will be considered as the method of funding adaptations where the total cost of adaptations is between £30,000 and £60,000 i.e. above the mandatory grant limit. The amount of HAL funding is generally limited to between £2,000 and £30,000. There are no monthly repayments to be made with a HAL but the loan is secured by a charge on the property and is repayable in the future upon sale or transfer of ownership.

There are qualifying criteria for a HAL including, the person/family should be unable to access commercial borrowing. If the disabled person is a child then the parents should be unable to access commercial borrowing. For detail of other criteria to access a HAL the Operational Handbook should be used.

HAL's are administered by Sheffield City Council on behalf of Kirklees Council in accordance with the signed Handbook which covers HAL provision across a number of Yorkshire and Humberside authorities.

Consideration may be given to providing HAL funding that exceeds the £2,000 and £30,000 or which is outside the funding criteria set out in the Handbook. The AHT Manager in consultation the Loan Manager at Sheffield City Council will consider such requests. The final decision regarding requests for funding outside the criteria detailed in the Handbook will rest solely with the Council and are likely only to be considered where savings to other areas, for example adult/children social care can be evidenced.

A HAL is only available to home owners. For local authority tenants, Registered Provider tenants and private sector tenants contact AHT for further guidance and information.

- **Discretionary Relocation Assistance**

Where a person is not eligible for a DFG or where the costs of adaptations to their existing home are higher than the combined DFG and any discretionary financial assistance, the Council may also consider providing financial assistance to help adapt another property under a Discretionary Relocation Assistance loan or grant. Such assistance is potentially available under the Council's discretionary powers under the 2002 Order.

In such circumstances a discretionary grant can be made available to cover any equity shortfall in buying an alternative property. The maximum amount of discretionary assistance should not exceed £30,000. The total amount of assistance available for the new property is £60,000 (up to £30,000 in mandatory adaptations and up to £30,000 relocation assistance).

To consider such situations the following information will be taken account of:

1. The cost of adaptations at the existing property,
2. The cost of adaptations at an alternative property,
3. The amount of mortgage at the current property,
4. The amount of equity available at the current property,

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5. Confirmation of the maximum available mortgage,
6. The type, location and cost of suitable alternative properties.
7. That adaptations are considered 'necessary and appropriate' and 'reasonable and practicable'.

(Where the disabled person is a child, the financial circumstances of the parents will be used to consider the above)

Applications for this type of assistance should be made to and considered by the appropriate Heads of Service (Housing and either Adults or Children's Services) or their designated person.

Relocation assistance is not available to help someone onto the property ladder or to improve someone's position on the housing ladder. An alternative property must be considered the most cost-effective way of meeting the needs of the disabled person and any adaptations required must be deemed 'reasonable and practicable'.

Discretionary Relocation Assistance is bespoke to the individual circumstances of the applicant and will be subject to a legally binding written agreement. The Council will begin by considering whether to offer a loan which would be repayable by agreed instalments paid back to the Council every month. The loan would be secured by way of charge against the property. If the Council considers that a loan is not appropriate a grant may be made available secured by way of legal charge against the property. The decision as to whether to offer a loan or a grant is within the complete discretion of the Council based on consideration of the facts of each individual case.

If the situation arises where adaptations and relocation costs are in excess of £60,000 but are still deemed to be the only way of meeting the person's needs these cases should be submitted to the senior managers mentioned above for consideration. In considering such requests the Managers will have regard to the full circumstance surrounding the disabled person and their family, including housing and social care considerations.

- **Discretionary Funding**

If AHT consider that work is required which falls outside of section 2 of the Housing Grants, Construction and Regeneration Act 1996 (purposes for which mandatory grant may be given) then this can be considered under the Council's discretion pursuant to the 2002 Order on a case by case basis by the AHT in consultation with the appropriate Housing and Adult / Children Manager or nominated officer. This work may include:

1. Vehicular hard standings, dropped kerbs,
2. Additional facilities such as wc's,
3. Other adaptations (or partial adaptations) may be considered where, following assessment it can be demonstrated that an adaptation could result in either greater independence for the disabled person or where savings to the council can be achieved, for example savings to adult/children's social care.
4. Additional funding can be considered where an adaptation which costs in excess of the mandatory limit. See paragraph "Assistance with

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meeting the means tested contribution/consideration of other assistance” on page 15.

- **Relocation Expenses (all tenures)**

Assistance with the costs of relocation (subject to the availability of resources) to an alternative property can be considered pursuant to the 2002 Order.

The maximum amount of relocation assistance is £5,000 and will cover things such as removal company costs, carpets, curtains, the cost of redirecting mail and reconnecting essential services. It is not available to cover legal costs or stamp duty.

Such assistance may only be considered where a person’s home is adaptable and where the cost of relocation plus the costs of adaptations at an alternative property are less than the cost of adapting a person’s current home.

Relocation expenses may also be available to assist someone to move from an adapted home which is no longer needed by the occupant and where this is required by someone who needs those adaptations.

- **Offsetting of costs**

Where a disabled person and/or their family want to undertake works over and above what is determined as ‘necessary and appropriate’ and ‘reasonable and practicable’ by the AHT then this can be considered. Typically (but not exclusively) this kind of ‘offsetting of cost’ may arise where the disabled person wishes to build an extension in lieu of an internal adaptation. Any request to offset the cost towards an alternative scheme will be considered subject to the following:

1. Any additional costs envisaged or incurred in the provision of an adaptation costing more than the eligible expense (as determined by the AHT) have to be met by the disabled person and/or their family.
2. Any costs associated with employing an agent will be at the risk of the disabled person and/or their family.
3. Any alternative scheme proposed by the person or their family must be approved to meet the assessed needs of the disabled person. This will be determined in all cases by the Council. AHT will take all factors into account in determining such a request including relevant Building, Planning and Housing legislation.
4. Contractors and agents working on such schemes are employed by the disabled person or their family directly and not the council and in all cases the disabled person or their family will be responsible for meeting any additional costs incurred. This also applies where an alternative scheme fails to proceed and the disabled person becomes liable for any abortive costs associated with their preferred scheme.
5. The AHT will not be obliged to support such cases with the planning authority (where appropriate) if an alternative scheme of adaptations not requiring planning approval are deemed ‘necessary and appropriate’ by the AHT.
6. A disabled person or their family may be asked how such additional works will be funded.

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7. As with any DFG, works should not commence until such time as formal approval is given by the Council and work should only be undertaken by the contractors and/or agents specified on the approval.
8. Requests for stage or interim payments once building work is progressing may be considered by the AHT but may only be offered at certain stages, for example when a building or extension is wind and weathertight. The availability of stage payments should not be assumed and the disabled person or their family must satisfy themselves in this regard at the outset. It is the disabled persons or their family's responsibility to ensure that they instruct their agent and/or contractor accordingly.

The option of 'Offsetting of costs' will only be considered where the service user's proposed scheme clearly meets the needs of the service user as determined by the assessor and surveyor in the local authority AHT.

- **Assistance with meeting the means tested contribution/consideration of other assistance**

Where a disabled person has a means tested contribution towards their assessed adaptations and they can demonstrate that they have no savings or investments, where they cannot access any commercial borrowing, or cannot access other sources of funding then the Council may:

1. In the cases of home owners consider offering a HAL to cover such instances,
2. Where it is a local authority tenant, waiving such contribution,
3. Negotiation will be required with the provider, where a tenancy is with a registered provider.
4. Other tenures such as private rented will require careful consideration of factors such as length of tenure on a case by case basis.

Should the situation arise where adaptations which are estimated to cost in excess of the mandatory £30,000 maximum and where the disabled person (or their family if the disabled person is a child) is unable to fund the shortfall (including being unable to access a HAL in the case of home owners), these may be considered subject to the availability of resources. This will require a robust business case/option appraisal being produced to evidence why the adaptation should be considered. This will be considered by the Accessible Homes Team Operations Manager or Head of Housing.

In these circumstances it will have to be demonstrated that all avenues such as rehousing (including options for selling and buying an alternative property), availability of own resources, a HAL etc. have been exhausted and the only way of meeting the disabled person's needs is to adapt the property and the cost is above £30,000. All social circumstances of the disabled person and other household members should be considered and included in the option appraisal. This could also be considered where alternatives to adaptations would lead to greater expense for the local authority in other areas, for example residential or social care or where there is no other option available to meet the needs of the disabled person.

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Notes

- (a) if the case of funding above the mandatory limit is being considered for a disabled child then alternative options and financial circumstances available to the child's parents will be taken into consideration.*
- (b) Any adaptation will still have to be deemed 'necessary and appropriate' and reasonable and practicable' in accordance with the Housing Grants, Construction and Regeneration Act 1996.*
- (c) Funding for any work above the maximum mandatory limit (£30,000) will always be subject to the availability of resources.*

- **Other tenures of housing**

Discretionary relocation assistance and HAL are only available to homeowners.

For other tenures, such as assured or shorthold tenancies, or those tenants of Registered Providers, including housing associations, where adaptations are considered not 'reasonable and practicable' or only adaptable at high cost, AHT will work with the owner of the property and the individual and their families to either agree funding or assist to secure appropriate alternative accommodation. This could be in either the social or private rented sector.

Notes

No financial assistance will be paid towards works covered by insurance or which are the subject of litigation proceedings. In any such circumstances where it later emerges that financial assistance has been obtained in these circumstances, the Council may demand repayment of the amount of the assistance, plus compound interest.

Where in such circumstances mandatory adaptation works are necessarily carried out prior to resolution of any such claims, repayment may be sought following settlement of claims. In such instances the council may require an individual written agreement with the recipient of financial assistance.

5. Monitoring and Review

This policy will be monitored and reviewed in line with other relevant Council policies and where significant legislative or other changes occur the Council will consider whether relevant provisions should be incorporated into this policy. Any such provisions will be considered by the relevant Cabinet portfolio holder(s) before changes to the policy are made and publicised as appropriate.

6. The Policy and Contact details

The Private Sector Housing Assistance Policy is available on the Council's website www.kirklees.gov.uk click on 'Housing'.

Enquiries about further details regarding this policy should be made in the first instance to the following:

Private Sector Housing
Housing Solutions Service,
Civic Centre 3,

Home Adaptations
Accessible Homes Team
Flint Street

Kirklees Council Private Sector Housing Assistance Policy

High Street,
Huddersfield HD1 2YZ
Telephone 01484 221350

Fartown
Huddersfield, HD1 6LG
Telephone 01484 225335