



PRIVATE SECTOR HOUSING ASSISTANCE POLICY

1. Introduction

1.1. Poor quality housing can have an impact on the health of the occupants and on the quality of life in an area. The housing stock is also a national asset and action has to be taken to protect and enhance that asset.

1.2. This policy aims to:

- Enable owner-occupiers, and private sector tenants with repairing obligations, to carry out repairs and improvements to their homes.
- Enable landlords to access funding for repairs or improvement of properties on the proviso that the Councils obtain benefit from such a financial arrangement.
- Enable people, particularly older persons and disabled persons, to adapt their homes and / or remain safe in their property.

1.3. The Councils' view is that it is primarily the responsibility of homeowners to maintain their own properties and, where owners can afford to undertake repairs and maintenance using their own resources, they should do so. There are, however, good reasons for the Councils to assist vulnerable and poorer homeowners with repairs and improvements, especially where this benefits health, protects the property or allows people to remain safe in their own homes.

2. Assistance to be Provided

2.1. Using the forms of assistance detailed below, the Councils intend to make the best use of the funds they have available to improve the quality of housing, and thereby the quality of life, within their areas.

2.2. The funding of assistance to those in the private sector is discretionary (with the exception of the mandatory element of Disabled Facilities Grants) and is financially limited through an annual budget set by the Councils, which is based upon the Better Care Funding allocated by Government via West Sussex County Council.

2.3 Discretionary schemes will only be considered while there is sufficient funding available within the financial year and may be removed at short notice

3. Categories of Assistance

3.2. The financial assistance provided is in the form of grants. The various grants have qualifying criteria and are generally designed for those on a low income (with the exception of Landlord Repair Grant Assistance). There are conditions attached to each grant award, most grants will be placed as a Local Land Charge against the property and repayment may be required if conditions are not met.

3.2. Repair Grant Assistance is Adur & Worthing Councils' discretionary grant provided to persons on a low income who are obliged to carry out critical repairs to their home but are unable to finance them due to means tested benefit being their only source of income.

3.3. Landlord's Repair Grant Assistance is Adur & Worthing Councils' discretionary grant provided to landlords whose property is in need of critical repair and who agree to let their property in cooperation with Council private rental schemes.

3.4. Disabled Facility Grants include mandatory grants provided across the country by Government Statute to enable disabled persons on a low income to adapt their homes, plus the Councils support a West Sussex wide discretionary policy which offers a range of additional grant provisions. Further details of the discretionary disabled facility grants can be found in The West Sussex Disabled Facilities Grant Policy.

4. Repair Grant Assistance

4.1. Repair Grant Assistance will be available to vulnerable/disadvantaged households in receipt of a means tested benefit i.e.

- Income Support,
- Universal Credit,
- Housing Benefit,
- Council Tax Support,
- Employment and Support Allowance with an income related component,
- Guaranteed Pension Credit,
- Working & Child Tax Credit (with an income of less than £15,050)

In addition

- Applicants must be aged 18 years of over.
- Live in the dwelling as their only residence.
- Be owner/occupiers (holding title) or long-term tenants with a repairing responsibility under their tenancy agreement or occupy the dwelling under a right of exclusive occupation granted for life or for a period of more than 5 years.
- Have occupied the dwelling for a minimum period of 12 months

4.2. Works for which repair grant assistance is available include:

- Works to rectify a dangerous/defective electrical installation
- Repair/replacement of defective/obsolete boilers which provide space heating and/or domestic hot water, if there is no alternative scheme available to fund a new boiler.
- Repair/replacement of a defective electric immersion heater. Where there is no other means of providing domestic hot water.
- Works to make a property wind and watertight.
- Replacement of defective wall ties.
- Works to rectify serious rising or penetrating dampness.
- Works to rectify/improve internal arrangement within a dwelling, which is likely to cause serious harm to the occupants.
- Replacing front doors to flats for fire safety.

4.3. Repair Grant Assistance will be offered up to a maximum of £5,000 and will usually be organised through the Adur & Worthing Home Improvement Assistance (AWHIA).

4.4. Typically, within any three-year period, only one application for Repair Grant Assistance will be considered, unless there are exceptional circumstances, in which case any such requests will be reported to a Grant Assessment Panel for consideration.

4.5. If the property is disposed of within a five year period after completion of the works, a proportion of any grant paid will be required to be repaid, based on a sliding scale. The sliding scale of repayment shall be as follows:-

Within one year – full repayment of the full grant amount.

- 1-2 years – repayment of 80%
- 2-3 years – repayment of 60%
- 3-4 years – repayment of 40%

- 4-5 years – repayment of 20%
- 4.6. If the property is disposed of after a five year period no grant is required to be repaid.

5. Landlord's Repair Grant Assistance

- 5.1. Landlord's repair grant assistance will be available where the owner of a dwelling is carrying out works to a property with the intention of letting the property in cooperation with the Council.
- 5.2. Access to the landlord's repair grant assistance is dependent upon the landlord either offering the Council nomination rights, or entering into a Private Sector Lease agreement with the Council, for a period of up to four years.
- 5.3. Works for which Landlord's repair grant assistance is available include:
- Works to rectify a dangerous/defective electrical installation
 - Repair/replacement of defective/obsolete boilers which provide space heating and/or domestic hot water, if there is no alternative scheme available to fund a new boiler.
 - Repair/replacement of a defective electric immersion heater. Where there is no other means of providing domestic hot water.
 - Works to make a property wind and watertight.
 - Replacement of defective wall ties.
 - Works to rectify serious rising or penetrating dampness.
 - Works to rectify/improve internal arrangement within a dwelling, which is likely to cause serious harm to the occupants.
 - Works to substantially improve the internal decorative repair of the property
- 5.4. Landlord's repair grant assistance will be offered up to a maximum of £5,000 and will usually be organised through the Adur & Worthing Home Improvement Assistance (AWHIA), subject to agreement with the Private Sector Options Officer.
- 5.5. The factors affecting the maximum amount of grant that will be made available include the size and location of the dwelling and the number of bedrooms available for legal use.
- 5.6. If the property is disposed of within a five year period after completion of the works, or any break clause in the lease is activated, a proportion of

any grant paid will be required to be repaid, based on a sliding scale. The sliding scale of repayment shall be as follows:-

- Within one year – full repayment of the full grant amount.
- 1-2 years – repayment of 80%
- 2-3 years – repayment of 60%
- 3-4 years – repayment of 40%
- 4-5 years – repayment of 20%

If the property is disposed of after a five year period no grant is required to be repaid?.

6. Disabled Facilities Grants

- 6.1. Grants to carry out adaptations to homes for people with disabilities may either be considered Mandatory, where they must be provided in accordance with Government Statute or Discretionary, where they are provided in accordance with local policy at the discretion of the local authority.
- 6.2. Across West Sussex, the seven District and Borough Councils have a joint policy which sets out how Discretionary Grants will be applied.
- 6.3. Mandatory Disabled Facilities Grants will be made available in accordance with the Statute with some additional discretion in compliance with the West Sussex Disabled Facilities Grant Policy.
- 6.4. Discretionary Disabled Facilities Grants will be made in accordance with the West Sussex Disabled Facilities Grant Policy
- 6.5. Discretionary funding is made subject to the availability of appropriate levels of funding and may be withdrawn or suspended at any time.

7. Operation of Assistance - General

- 7.1. The following provides advice on the general framework of the financial assistance policy. For issues outside this policy regard will be had to the legislation and guidance.
- 7.2. Enquiries and Applications for Assistance
 - 7.2.1. The Council's Private Sector Housing team, including the AWHIA, will operate a preliminary enquiry system to advise people of their options.

7.2.2. An application for assistance shall be in a form prescribed by the Council and shall include:-

- Full particulars including, where relevant, plans and specifications of the works for which the assistance is sought.
- Evidence to support the financial assessment or proof of receipt of benefit.
- Estimates from at least two separate contractors of the cost carrying out the works, unless the Council otherwise directs in any particular case.
- Particulars of any professional fees and other charges which relate to the preparation for and the carrying out of the works.
- Proof that the applicant is an owner or a tenant of the dwelling.
- Consent, in writing, from all owners of the dwelling to the carrying out of the works.
- Where appropriate, Certificates of Occupancy.
- A copy of all necessary permissions. e.g. Building Regulation approval, planning permission, party wall agreement.

7.2.3. The information above may be provided as part of the agency service provided by AWHIA.

7.3. Applications after Commencement or Completion of Works

7.3.1. The Council will not normally approve an application for assistance where the works have begun or been completed prior to approval.

7.4. Age Limits

7.4.1. The Council will not consider an application for assistance when the property concerned was built or provided by conversion less than ten years before the date of application, except in the case of a disabled adaptation.

7.4.2. Applicants must be aged 18 years or over on the date of application to be eligible for assistance.

7.5. Owner's Applications / Owner's Interest

7.5.1. The Council will not consider an owner's application for assistance unless the applicant has an owner's interest in all the land on which the relevant works are to be carried out. An owner's interest means a freehold interest or a leasehold interest where there is at least ten years of the lease left to run. Householders in shared equity

schemes will be regarded as having an owner's interest, provided that the scheme involves at the outset the grant of a long lease.

7.6. Assistance to Tenants

7.6.1. Repair Grant Assistance will be available to tenants where they have a relevant repairing obligation.

7.6.2. Tenants will need to provide written permission from the property owner in order to apply for assistance.

7.6.3. Disabled Facilities Grants are available to tenants, as prescribed by statute.

7.7. Certificates and Conditions of Occupation

7.7.1. All applications for assistance must be accompanied by a completed certificate relating to the future occupation of the property, as follows:-

- Owner Occupation Certificate certifying that the applicant has an owner's interest in a dwelling and that they intend to live in the dwelling as their only or main residence from the certified date. The certified date is the date certified by the Council on which eligible works were satisfactorily completed. The conditions relating to the certificate shall be registered as a local land charge in relation to the property and are binding on the owner.
- Where there is a change in ownership or occupation compared with that recorded on the Owner Occupation Certificate, the grant will be repayable except where the change is considered to be an exempt disposal.
- Landlord's Certificate of Intended Letting certifying that the applicant has an owner's interest in the dwelling and intends to, or already has, let the dwelling as a residence for a period of at least five years, beginning on the certified date, to someone who is not a member of his family and on a tenancy which is not a long tenancy. These provisions apply equally to situations where a dwelling is already let, and will continue to be let, after the grant works are carried out and to those where letting will only commence or resume after works have been carried out. There may be a number of individual successive lettings during the five-year period.

7.8. Amount of Assistance

7.8.1. Government Statute and The West Sussex Disabled Facilities Grant policy specifies the maximum amount that may be paid in respect of an application for assistance.

7.8.2. The Council will take into account the following matters when determining the estimated expense and calculating the grant:-

- Which of the relevant works are eligible for assistance - the “eligible works” means works agreed by the Council. These would normally include works required to alleviate serious risks to health and safety, to put a property into a reasonable state of repair, or provide adaptations as recommended by an Occupational Therapist.
- The amount of expenses that are properly to be incurred in the execution of the eligible works.
- The costs properly attributable to the preliminary or ancillary services or charges, incurred in relation to the application.
- The amount of assistance that will be paid will be subject to the elements set out above, the means test and criteria applying to specific assistance detailed in the policy.

7.9. Decision and Notification

7.9.1. The Council will notify an applicant for assistance whether the application is approved or refused. The notification will be in writing as soon as reasonably practicable and, in any event, not later than six months after the date that the application is duly made.

7.9.2. If the application is approved the notification will also specify the works which are eligible for assistance, the value of the assistance, the form that the assistance will take, and any contribution by the applicant.

7.9.3. If the application is refused, the Council will at the same time explain the reasons for the refusal and the procedure for appealing against the decision.

7.9.4. If the Council is satisfied that owing to circumstances beyond the control of the applicant, the cost of the assisted works has increased or decreased, they may re-determine the amount of the assistance and notify the applicant accordingly.

7.10. Supervision of Works

7.10.1. The responsibility for supervision of the works rests with the applicant unless they appoint a professional adviser or agent for that

purpose. Although the Council may assist the applicant to secure a contractor, this does not constitute a recommendation.

7.10.2. The Council does not accept any responsibility for supervision of the works.

7.11. Payment of Assistance: Conditions as to Carrying Out of the Works

7.11.1. The assistance will only be paid if -

- The eligible works are completed within twelve months from the date of approval, or such further period as the Council may allow.
- The eligible works are carried out in accordance with such specifications as the Council determines.
- The eligible works are carried out by one of the contractors whose estimates accompanied the application.
- The eligible works are executed to the satisfaction of the Council.
- The Council is provided with an acceptable invoice, demand or receipt for payment for the works and any professional fees and other charges. For this purpose an invoice, demand or receipt is acceptable if it satisfies the Council and is **not** given by the applicant or a member of his family.

7.12. Payment of Assistance

7.12.1. The Council will normally pay the assistance directly to the applicant's contractor either in instalments as work proceeds, or in one lump sum following completion of the works. The Council will not normally pay more than three instalment payments and where the grant is paid in instalments, the aggregate amount of grant paid at any point prior to the completion of the eligible works, must not exceed nine-tenths of the amount of the grant.

7.12.2. Where assistance is payable but the eligible works have not been executed to the satisfaction of the applicant, the Council may, at the applicant's request and if they consider it appropriate to do so, withhold payment from the contractor.

7.12.3. In cases where the applicant has a contribution to make, they should make arrangements with the contractor for payment.

7.13. Repayment Where Applicant Not Entitled to Assistance

7.13.1. If an application for assistance is approved but it subsequently appears to the Council that the applicant (or, in the case of a joint application, any of the applicants) was not, at the time the application was approved, entitled to assistance of that description,

no payment shall be made or, as the case may be, no further instalments shall be paid and the Council may demand that any payments that have already been made be repaid forthwith, together with interest from the date on which they were paid until repayment, at such reasonable rate as the Council may determine.

7.14. Conditions for Repayment of Assistance

- 7.14.1. If an owner of the dwelling to which the application relates ceases to be the owner before the works are completed, they shall repay to the Council on demand the amount of any assistance that has been paid.
- 7.14.2. Where an Owner Occupation certificate is required, when an owner of the dwelling(s) to which the application relates ceases to be the owner, they shall repay to the Council on demand the amount of assistance that has been paid.
- 7.14.3. If an owner of the dwelling(s) to which the application relates, having undertaken to let the dwelling(s), ceases to let the dwelling(s) in accordance with his undertaking, within five years from the date the works were completed, they shall repay to the Council on demand the amount of assistance that has been paid. (Is there any scaling or is it full repayment?)
- 7.14.4. Where assistance has been provided in accordance with Repair Grant Assistance, if an owner of the dwelling to which the application relates ceases to be the owner, they shall repay to the Council on demand the amount of assistance that has been paid. Repayment will not be required when the property is disposed of to provide an annuity income and the person concerned is entitled to continue to occupy the premises as their only, or main, residency, or where the person to whom the disposal is made is the spouse or partner or member of the family, and they have lived in the property for at least three years prior to the disposal.
- 7.14.5. A disposal of the property is a conveyance of the freehold or the assignment of the lease or the grant of a long lease for a term of more than twenty years, other than at a rack rent.
- 7.14.6. Where the Council has the right to demand repayment but there are extenuating circumstances, they may determine not to demand repayment or to demand a lesser amount.
- 7.14.7. Where the Council demands repayment, it will be no more than the amount of assistance paid.

7.15. Requiring Information

7.15.1. In order to satisfy itself as to the manner in which a dwelling is being occupied or in relation to any other conditions of the assistance, the Council can require the owner or occupier to provide, within 21 days, a statement detailing how the property is occupied and/or details of any other information relevant to the application or grant conditions.

7.15.2. It is a condition of the assistance that the owner/occupier complies with this requirement and failure to do so may result in the Council requiring repayment of the grant.

7.16. Additional Conditions

7.16.1. Where the Council is considering an application for assistance they may impose additional conditions with the consent of the applicant, prior to approval.

7.16.2. The additional conditions may include, but are not restricted to:-

- Applicant to make contribution towards the eligible works.
- Right of the Council to nominate tenants to the living accommodation.
- Right of the Council to recover specialised equipment when no longer needed.
- Appointment of managing agents to let the living accommodation.
- Living accommodation to be maintained in good repair after the eligible works have been completed.

7.16.3. Breach of any of these additional conditions shall give the Council the right to demand repayment of the assistance.

7.17. Security for Assistance

7.17.1. Any condition above, which creates a liability to repay the assistance, shall be a local land charge.

7.17.2. The liability to repay any assistance may be discharged at any time by paying to the Council a sum equal to the amount of assistance or such lesser sum as the Council may agreed.

7.18. Applications outside the Policy

7.18.1. Where an application is received by the Council for financial assistance for private sector housing renewal but which falls outside this policy, the application will be considered on its merits by the Private Sector Housing Manager. The Private Sector Housing

Manager has the discretion to approve any assistance where there is only a minor deviation from the policy having regard to the particular circumstances of the applicant. All other applications outside of the policy will be referred to the Grant Panel for their consideration.

7.19. Advice

7.19.1. The Council is committed to making advice and information available, either directly or through other partner agencies, in order to assist residents. The advice and information will be impartial and transparent.

7.19.2. Adur and Worthing Council staff will not provide financial advice. Anybody who needs such advice will be guided towards independent financial advisers. It will be made clear to anybody who may need to raise a loan that they should seek independent financial advice before entering into any commitments.

7.20. Enforcement

7.20.1. In addition to the assistance detailed in this policy, the Council will continue to use its statutory powers to enforce standards in privately owned housing where appropriate.

7.20.2. Enforcement action in respect of individual properties shall be at the discretion of the Private Sector Housing Manager as complaints or other situations arise.

7.20.3. Enforcement action in respect of houses in multiple occupation shall be issued at the discretion of the Private Sector Housing Manager as complaints or other situations arise.

8. Policy Implementation

8.1. This policy will be subject to ongoing monitoring and will be reviewed annually, unless there is some event, consideration or legislation change that necessitates an earlier review.

8.2. This policy document was updated in January 2021.