

# **Housing Assistance Policy**

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# **HOUSING ASSISTANCE POLICY**

## **1.0 INTRODUCTION**

1.1 This Policy, made under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, commenced on 1 July 2012. It was reviewed and revised in October 2015 and extended by agreement with the Council's Housing Portfolio Holder for a further 2 year period. It has been further revised with effect of April 2018 and forms part of the Housing Strategy 2017 — 2022.

1.2 The Policy sets out the basis on which Epping Forest District Council will offer repayable financial assistance ("Housing Assistance") for works of repair, renewal or adaptation in the private housing sector. It is to be read in conjunction with Housing Grants Construction and Regeneration Act 1996 as amended and the Council's Housing Strategy.

1.3 With the exception of mandatory Disabled Facilities Grants (DFGs) all Housing Assistance referred to in this Policy is discretionary and subject to the Council having sufficient funds. DFGs will continue to be processed in accordance with the appropriate legislation, although the Policy does affect the amount of an individual DFG that will be repayable on the sale or transfer of the property following completion of work.

1.4 This Policy will be subject to review and amended as required to take into account changing policies at national and regional level and all available information on the condition of private sector housing in the District.

1.5 The Aims of this Policy are:

- To improve and protect the wellbeing of vulnerable residents.
- To Improve and protect the environment and neighbourhood.
- To seek to maximise use of external funding opportunities.

## **2.0 PURPOSE AND FORM OF HOUSING ASSISTANCE**

2.1 Housing Assistance may be offered by Epping Forest District Council in accordance with this Policy towards the cost of: -

- a) The improvement, repair or adaptation of existing living accommodation including mobile homes and houseboats;
- b) The creation of new living accommodation by bringing back into use empty properties; and,
- c) Any other initiatives consistent with the aims and objectives of the Council's Housing Strategy.

2.2 Housing Assistance may be offered in any form including but not restricted to loans or loan guarantees, grants, advice, provision of materials and carrying out of works. Some forms of financial assistance are provided by, and/or delivered in conjunction with, the Council's Home Improvement Agency, Caring and Repairing in Epping Forest (C.A.R.E.). The Council may enter into partnership with other organisations or agencies to deliver financial assistance.

2.3 The specific types of Housing Assistance available in this Policy, the conditions for eligibility and the amounts for each type of assistance are specified in Part 8 of this Policy.

### **3.0 PERSONS ELIGIBLE FOR HOUSING ASSISTANCE**

3.1 Any person who makes an application for Housing Assistance must:

- a) Be over 18 years of age at the date of the application; and,
- b) Be able to provide evidence that they have a valid national insurance number; and,
- c) Live, or in the case of Empty Homes Repayable Assistance intend to live, in the dwelling as his/her main residence; or intend to let to a tenant for a period of at least 12 months and,
- d) Prior to the application, the property must be (with the exception of Empty Homes Repayable Assistance) lived in by the owner for at least:
  - One year in the case of Small Works Repayable Assistance and Decent Homes Repayable Assistance for houseboats and mobile homes;
  - One year for Small Works Repayable Assistance and Decent Homes Repayable Assistance for other dwelling types; and,
- e) Have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration), or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a valid tenancy or license permitting occupation of the dwelling after approval of the assistance; and,
- f) Have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works; and,
- g) Satisfy such test(s) of resources (see Part 8 and Appendix 1 of this Policy) as determined by the Council; and,
- h) Not be ineligible by virtue of the Housing, Grants, Construction and Regeneration Act 1996, Housing Act 2004, Regulations made under the Acts or any other enactment.

### **4.0 MAKING A FORMAL APPLICATION**

4.1 All applications must be on a form provided by the Council and must include the following original documentation: -

- a) Where the estimated cost of the work is below £2,000, one quotation is required set out on the Schedule of Work provided by the Council. Where the estimated cost of the works is from £2,000 up to £5,000, a minimum of two such quotations is required. If the estimated cost of the works is £5,000 or above, a minimum of three quotations is required. The Council may accept fewer than the specified number of quotations where the work involves specialist services or the nature of the work makes it reasonable to do so. The Council reserves the right to require additional quotations in all cases; and,
- b) Particulars of the work to be carried out including where appropriate plans, schedules of work/specifications and specialist reports; and,
- c) Details of any professional fees or charges relating to the work and for which Assistance is being sought; and,
- d) Confirmation of Planning, and/or Building Regulation approval, and/or a Party Wall Act Notice having been served where appropriate; and,
- e) Permission from the Housing Authority if the property was formerly in Council ownership; and,

- f) Proof of ownership from a solicitor or mortgagee, or copies of the title deeds/land certificate, or copy of the tenancy agreement or licence to occupy; and, A signed undertaking to repay the Housing Assistance if the conditions imposed by this Policy as to future occupation are breached.

4.2 Except in the case of mandatory DFGs, where a property is jointly owned and one or more of the owners is not resident at the property, when assessing the contribution, it will be the income and savings of **all** owners that will be taken into account not just that of the owner(s) resident at the property.

4.3 The application will only be considered complete (a 'formal application') when the Council has all the information it needs to be able to make a decision on the application. Part 10 explains how to go about making initial enquiries and the processes involved before the application is considered to have been formally made.

4.4 Except where the applicant has received agreement before the application for Housing Assistance has been approved that the work may be carried out on a DIY basis, the Council requires that all work that receives Housing Assistance must be carried out by a reputable contractor with a proven record. Details of the Council's requirements in respect of choice of builder (See part 14.0) are available by contacting the Grants Team in the Communities Directorate or C.A.R.E. (contact details at the end of this Policy). Works carried out on a DIY basis will attract funding for materials only. Quality of works will be at the owners risk and competence. Payment will only be made upon satisfactory completion of works as required by the Council.

## **5.0 RESTRICTIONS ON ASSISTANCE**

5.1 Assistance will only be given for work started before formal approval of an application if prior consent has been granted. Examples of the circumstances under which this might happen are, but not limited to:

- a) Where the defect presents a serious risk to health and safety;
- b) Where the relevant works are being carried out in order to comply with a statutory notice served by the Council.

5.2 In these circumstances the Council may treat the application as varied so to exclude any works that have been started before approval;

5.3 The Council will not consider an application for Assistance in respect of premises built or converted less than 10 years prior to the date of the application, except in the case of an application for a DFG except in special circumstances, for example where the defect presents a serious risk to health and safety.

5.4 No Assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by NHS Trusts and Police Authorities. Applications for DFGs will be considered from applicants who are tenants of Registered Housing Providers but in these cases landlords will be expected to make a contribution towards the cost of the work.

5.5 The Council will not approve an application for Assistance if the relevant works have been completed.

5.6 The Council will not consider an Application for works which are subject to an insurance claim.

## **6.0 SUPERVISION OF WORKS**

6.1 In the absence of any agency agreement with C.A.R.E., the responsibility for supervision or inspection of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the Council.

## **7.0 PAYING FOR THE WORK**

7.1 The Housing Assistance will only be paid if:

- a) The assisted works are completed within six months from the date of approval for Small Works Repayable Assistance and Empty Homes Repayable Assistance and within twelve months for all other forms of Assistance; and,
- b) The assisted works are carried out in accordance with the Schedule of Work and/or a Specification set out in the formal Approval Notice, or as varied with the agreement of the Council; and,
- c) The assisted works are carried out to the satisfaction of the Council. Where the works in question 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. If they do so, the Council may make the payment to the applicant instead.
- d) In the case of Empty Homes Repayable Assistance, the Housing Assistance will be paid on confirmation by the Empty Homes Officer that the property is occupied which must be within 6 weeks of completion of work unless otherwise agreed by the Council.
- e) Payments shall be conditional upon receipt of an acceptable invoice accompanied by any supporting documentation e.g. damp proofing guarantee, certificate issued by Gas Safe Register contractor for gas installations, electrical work completed under a scheme for approved document Part P as able to certify their own electrical work; window and door installations under FENSA or a similar approved organisation as appropriate and a certification of completion if the work was subject to the Building Regulations.
- f) The Council may cancel the Assistance application should reasonable progress not be made or works not started within 6 or 12 months respectively.

7.2 If the cost of the work varies because of agreed changes in the Schedule of Work/Specification, the Council may vary the amount of financial assistance payable and notify the applicant accordingly. The Assistance shall not exceed the maximum allowance.

7.3 The Council will pay the approved Housing Assistance direct to the builder or contractor(s) engaged by the applicant. The Council will not do so unless the applicant was informed before the application was approved that this would or might be the payment method. Where the applicant has already paid the contractor, payment will be direct to the applicant on production of a receipted invoice and satisfactory completion of works as inspected by the Council.

7.4 The Housing Assistance will be paid in one lump sum on satisfactory completion of the works. Interim payments will only be made where there is consideration as to the scope and or complexity of the works, and where the Council is satisfied the value of the work completed exceeds the value claimed. The total value of interim payments shall not exceed 90% of the Housing Assistance approved sum.

7.5 The Council will not enter into any contract with a builder or contractor. In the absence of any agency agreement between the applicant and C.A.R.E. it is a responsibility for the applicant to agree any contract with the builder or contractor.

## **8.0 TYPES OF HOUSING ASSISTANCE**

8.1 The types of Housing Assistance offered under this Housing Assistance Policy and the conditions applicable are as follows and will remain so until the Policy is revised and published. With the exception of mandatory DFGs, all the types of financial assistance listed below are discretionary, repayable and are subject to the Council having sufficient resources.

8.2 **Small Works Repayable Assistance** is available:

- a) Where there is a significant Hazard under the Housing Health and Safety Rating System (HHSRS) within the property (as defined under the Housing Act 2004) having regard to the occupier, a defect which is likely to damage the fabric of the property unless repaired or works to improve the thermal comfort of the dwelling. (Guidance on the HHSRS, as defined by Central Government, can be found through the link as stated in Appendix 3).
- b) The maximum eligible expense is £3,000 per application over a rolling 12 month period (from completion). This includes reasonable fees incurred in making the application and VAT at the current rate.
- c) Applicants must be 60 years or above, or be chronically sick or disabled, or be a household with dependent children.
- d) The applicant must satisfy a test of resources and/or be in receipt of a means tested benefit.
- e) Owner occupiers and long leaseholders are eligible to apply.
- f) Owners of houseboats and mobile homes must have been resident for at least one year prior to making an application. The Council may consider waiving this requirement in exceptional circumstances.
- g) The applicant will enter into an agreement to repay to the Council the whole amount of the Assistance paid on the sale, transfer or any other disposal of the Applicant's interest in the property.

8.3 **Decent Homes Repayable Assistance** is available:

- a) Where there is a significant Hazard within the property or disrepair which amounts to a breach of the Decent Homes Standard. (Guidance on the Decent Homes Standard, as defined by Central Government, can be found through the link in Appendix 3).
- b) The maximum eligible expense is £10,000 per application over a rolling 12 month period (from completion). This includes reasonable fees incurred in making the application and VAT at the current rate.
- c) So far as is reasonably practicable eligible works will be those works necessary to ensure the property meets the Decent Homes Standard on completion of works.
- d) Applicants must be 60 years or above, or be chronically sick or disabled, or be a household with dependent children.
- e) The applicant must satisfy a test of resources and/or be in receipt of a means tested benefit.
- f) Owner occupiers and long leaseholders are eligible to apply.
- g) Owner occupiers and long leaseholders must have been resident for at least one year prior to making an application. The Council may consider waiving this requirement in exceptional circumstances.

- h) The applicant will enter into an agreement to repay to the Council the whole amount of the Assistance paid on sale, transfer or any other disposal of the Applicant's interest in the property.

**8.4 Empty Homes Repayable Assistance** may be available:

- a) Where a property has been vacant for a minimum period of six months before the application is submitted and been subject to inspection by the Council.
- b) The maximum eligible expense is £10,000 inclusive of VAT and reasonable fees.
- c) Provided the applicant meets the general eligibility criteria described in Part 3 of this policy, there is no requirement meet any test of resources or means test as described in Appendix 1.
- d) Eligible works will be those specified as result of inspection. So far as is reasonably practicable works considered for Assistance will be those for repair and or improvement to return the property to a Decent Homes Standard or authorised suitable for occupation. Retrospective works will not be considered for Assistance.
- e) Persons intending to live in or let the property are eligible to apply. Priority will be given to applications from;
- Persons intending to let the property to a tenant nominated by the Council or to a [key worker](#) employed within the District;
  - First time buyers intending to live in the property as an owner occupier;
  - Key workers employed within the District intending to live in the property as primary home and owner occupier.
- f) The applicant will enter into an agreement;
- That the property be occupied within 6 weeks of satisfactory completion of the works as approved by the Council or such other time as agreed by the Council;
  - That where a property is to be let, it will be for a minimum term of 12 months and in such cases where the first tenancy is not continued for the full term, that a new tenancy is immediately secured to meet the 12 month minimum criteria. To repay to the Council the whole amount of Assistance paid, where the property becomes empty for a period of 6 months or more within the next 3 years.
  - To repay to the Council the whole amount of the Assistance paid on sale, transfer or any other disposal of the applicant's interest in the property.

**8.5 Mandatory Disabled Facilities Grants (DFGs).** The provisions for processing Mandatory DFGs and the conditions attached to them are laid down in the Housing Grants Construction and Regeneration Act 1996 as amended. The purposes for which a DFG must or may be given are subject to section 23 (1) of the Act and are to provide, but not limited to;

- Essential facilities within the home, such as a bathroom adaptations; and/or,
- Essential adaptations to give better freedom of movement into, around the home and to essential facilities within it, such as a stairlift or ramped wheelchair access.

**8.6** The amount of the Grant is determined by the "Test of Resources" or means test carried out on the person that the work is being carried out for. If this person is under 16 years of age, or is aged 16 to 19 and is entitled to Child Benefit for being still in full-time non-advanced education (i.e. up to and including A level) no means test is carried out and the Grant is for the full cost of the work up to the maximum eligible expense limit. Appendix 3 to this Policy gives details of the means test. The maximum eligible expense for mandatory DFGs is currently £30,000 which includes reasonable fees incurred in making the application and VAT at the current rate.



8.7 Regardless of who the work is for, the application must be made by the legal owner, tenant or landlord of the dwelling and any applicant must be over 18 at the time the application is made. Tenants must get their Landlord's permission before the grant can be approved.

8.8 The person for whom the work is being requested must live in the dwelling as their main or only residence. They must be registered, or eligible to be registered, as a disabled person. Adult Social Care - Essex County Council must confirm that the work is both necessary and appropriate for the user. This assessment is carried out by Occupational Therapists from the County Council's 'Hub of Independent Practitioners'.

8.9 The conditions attached to Housing Assistance requiring whole repayment if the property is sold within the condition period do not apply in the case of mandatory DFGs. However, if the property is sold in the ten year period following the completion of the work, the Council may recover specialist equipment installed under the DFG. If the Council intends to do so this will be specified in the grant Approval Notice.

8.10 With regard to Mandatory DFGs where the grant is above £5,000, the Council will recover costs up to a maximum of £10,000 if the property is disposed of within 10 years of the date of the completion of the Grant-aidable work. This will be protected by a charge on a property which will be removed after a period of 10 years if there is no disposal of the property. The Council may waive this requirement in exceptional circumstances.

8.11 A **Discretionary DFG** may be available subject to the following conditions:

- a) Where a person qualifies for a mandatory DFG but the necessary works are not feasible at their existing property, or could only be carried out at wholly disproportionate cost, then the Council may consider a grant towards essential relocation costs.
- b) In order to consider a discretionary DFG for this purpose the new property must be capable of being occupied as it stands or with adaptation at reasonable cost.
- c) The maximum grant in these circumstances will be £10,000 which includes reasonable fees incurred in making the application and VAT at the current rate.
- d) A Discretionary DFG will only be made in exceptional circumstances and subject to the Council having adequate budgetary provision at the time of the application.
- e) No household can receive more than one discretionary DFG for the purpose of relocation.
- f) The standard DFG test of resources will be applied to applications for discretionary DFG for relocation.

## **9.0 REPAYMENT OF HOUSING ASSISTANCE**

### **General**

9.1 If an application is approved but it subsequently appears to the Council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to the Assistance approved, then no payment shall be made (or no further instalments paid) and the Council may seek to recover immediately from the applicant any payments made together with interest accruing from the date of payment.

9.2 If the applicant is the owner of a dwelling in respect of which Housing Assistance has been approved and ceases to be the owner before the works are completed he/she shall repay to the Council on demand the total amount of Housing Assistance that has been paid.

## **Breach of Undertakings**

9.3 Where an owner occupier or leaseholder has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works, and if they cease to occupy the relevant dwelling as their principal residence during the period specified in the undertaking, then they shall repay on demand to the Council the total amount of Housing Assistance paid out.

9.4 Where a property subject to Empty Homes Repayable Assistance, becomes empty again for a period of 6 months or more within 3 years of payment of the Assistance, the owner shall repay on demand to the Council the total amount of Housing Assistance paid out.

9.4 Where the Council has the right to demand repayment but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of Housing Assistance.

## **Death of Applicant**

9.6 If the applicant should die before the Housing Assistance is approved and or before any approved works started, the application will be treated as withdrawn.

9.7 If the applicant should die after approval of the Housing Assistance or while the approved works are in progress, the Council may at its discretion agree to completion or making good of the works and pay the Housing Assistance in part or full or, if the works originally agreed are not completed in full, an appropriate proportion of the Housing Assistance.

9.8 Where an applicant dies after the certified date of completion of the works, the Council will seek repayment of the Housing Assistance from the applicant's estate if a disposal by sale or a change in tenure takes place.

## **Additional Conditions**

9.9 The Council reserves the right to impose additional conditions when making an approval for Housing Assistance. These may include but are not restricted to:

- a) A contribution to the cost of the assisted works by the applicant;
- b) Housing accommodation being maintained in reasonable repair after completion of the assisted works; and,
- c) The right of the Council to recover specialised equipment when no longer needed.

9.10 Breach of any additional conditions will give the Council the right to seek repayment of the Housing Assistance on demand.

## **Security and Repayment**

9.11 With the exception of park homes and houseboats, where a condition of the Housing Assistance imposes a liability to repay the Housing Assistance, the condition will be registered by the Council as a local land charge.

9.12 The Council may at its discretion require repayment of a lesser sum than the full amount of Housing Assistance. Examples of circumstances where the discretion may be exercised include breaches of residency conditions arising because the applicant or their spouse or partner has had to move to avoid unemployment or because the applicant's employer has required a move, or where the property is subject to a mortgage entered into before the application for housing assistance and the mortgagee is exercising the power of sale.

## **10.0 ENQUIRIES AND APPLYING FOR ASSISTANCE**

10.1 The Council encourages applicants for Housing Assistance to use the Council's in-house Home Improvement Agency Service, C.A.R.E.

10.2 All enquiries should be addressed to the Grants Team on 01992 564092 and/or C.A.R.E. on 01992 564086. Leaflets explaining the types of financial assistance and advice on these will be available during normal office hours (9.00am – 5.00pm) or from the Council's website on [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Informal advice is available by telephone contact or by e-mail from [PSHGrantsandCare@eppingforestdc.gov.uk](mailto:PSHGrantsandCare@eppingforestdc.gov.uk).

10.3 Applicants for Housing Assistance where a test of resources applies (see Part 8 and Appendix 1 of this Policy) will be required to complete an application form to confirm whether they are eligible and their financial status. After preliminary assessment, the Council will give an initial indication of the Assistance likely to be available so that the applicant can decide whether to continue with the application.

10.4 Where a person decides to continue with an application, then an inspection of the property will be carried out and where appropriate, a schedule of works will be drawn up. The schedule will specify the works to be carried out as a requirement for financial assistance and must be used by the applicant to obtain quotations from builders and/or specialist suppliers.

10.5 The application will be considered to have been formally made when the applicant has submitted a formal application with priced estimates in accordance with the schedule of works and any other documents required as deemed necessary and appropriate by the Council (such as plans, building regulations, planning consents, party wall consents, specialist reports, etc).

10.6 Once approval has been given the work must be completed within a specified timescale. This is up to six months from the date of approval for Small Works Repayable Assistance and Empty Homes Repayable Assistance and up to twelve months from the date of approval for all other forms of Assistance.

## **11.0 DECISION AND NOTIFICATION**

11.1 In receipt of a complete application the Council will notify applicants in writing whether their application has been approved or refused.

11.2 If the application is approved, the notification will specify the works that are eligible for Assistance, the value of the Assistance, the form the Assistance will take, the nominated builder/contractor who will carry out the works and the time by which the works must be completed.

11.3 If the application is refused, the Council will give the reasons for the refusal and also confirm the procedure for appealing against the decision.

## **12.0 RE-DETERMINATION OF THE AMOUNT OF FINANCIAL ASSISTANCE**

12.1 Where the Council is satisfied that because of circumstances beyond the control of the applicant and which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may at its discretion re-determine the Assistance given in accordance with the Assistance framework set out in this document and notify the applicant accordingly. See Part 17 'Unforeseen Work'.

## **13.0 APPEALS AGAINST DECISIONS**

13.1 Any person who is aggrieved by a decision not to give financial assistance as a consequence of this Policy may appeal to seek review of the decision.

13.2 Any possible departure from this Policy will only be considered where the applicant can demonstrate wholly exceptional circumstances to justify such a departure.

13.3 If you are not happy with the service you receive (rather than any part of this Policy) you should contact the Private Sector Housing Manager (Grants and C.A.R.E.) on 01992 56 4287 or by e-mail at [pshgrantsandcare@eppingforestdc.gov.uk](mailto:pshgrantsandcare@eppingforestdc.gov.uk).

13.4 The decision of the Private Sector Housing Manager (Grants and C.A.R.E.) is final with regard to the Council's internal processes although allegations of maladministration can be referred to the Local Government Ombudsman. The Council's complaints procedure can also be used if you wish to make a complaint about the way something has been done, or not done, after being asked.

13.5 Our residents are our top priority so we want to know how we are doing, and we want to resolve any concerns as quickly as possible. At Epping Forest District Council, we define a complaint as an expression of dissatisfaction, where you feel any of the following has happened;

- Failure to provide a service, or experience of dissatisfaction with the way we have provided a service;
- Unreasonable delays with the provision of a service;
- Dissatisfaction with the way a policy has been applied or a decision made;
- Failure to fulfil our statutory responsibilities;
- Provision of inaccurate or false information and advice to you;
- The conduct of staff, partners or contractors has been inappropriate.

If you would then like to raise a concern with us please use our **online form**.

You can also:

- Email: [contactus@eppingforestdc.gov.uk](mailto:contactus@eppingforestdc.gov.uk)
- Call: 01992 564000

## CONDITIONS COMMON TO ALL TYPES OF HOUSING ASSISTANCE

### 14.0 CONTRACTORS

14.1 Where the Council is giving financial Housing Assistance, including mandatory DFGs, the ideal requirement is that work be carried out by a reputable contractor with a proven record. Vetted and competent contractors who have, within six months before the application is made, carried out Assistance/ DFG work in the EFDC District will automatically be accepted but others may have to provide documentation to the Council before their estimates be accepted as part of any application.

The requirements are but not limited to:

- Valid Public Liability and Employer's Liability Insurance including Product Liability;  
and:
- Accounts for last two years or a letter from the contractor's accountant confirming that he/she is a bona fide trader in the construction industry and the length of time for which he has been trading as such;  
and:
- Registered landline entry in telephone directory;  
and (if applicable):
- VAT Registration number;  
and (if relevant):
- Proof of membership of a regulatory body or trade association, e.g. Gas Safe Register, NICEIC, FENSA, Federation of Master Builders, Constructionline, as appropriate to proposed works.  
and
- Any further checks as considered necessary or appropriate (such as including company / director searches, credit reports etc.) as part of the Council's ongoing commitment to tackling fraud.

14.2 The Council does keep a preferred list of private contractors who have previously carried out Assistance/ DFG work and names from this list can be provided to anyone applying for Housing Assistance. It is made clear to applicants wishing to use one of the contractors from the list that they fulfil the requirements outlined above and the applicant will be entering a private arrangement of which the Council accepts no responsibility.

14.3 Housing Assistance will not be given for work carried out by the applicant or anyone related to them except on a Do-it-Yourself basis, where no charge is being made for labour. The work must not be carried out on this basis without the Council's prior approval.

14.4 In normal circumstances the work must be carried out by the contractor(s) that supplied estimates with the application. Estimates are considered on value for money, reasonable costs and competence. Where the contractor is no longer trading, for example, and this is not possible, the applicant must obtain written approval from the Council to use a different contractor.

## 15.0 DATA PROTECTION AND FRAUD

15.1 In the administration of Housing Assistance officers in the Private Sector Housing Teams will keep and hold personal information and will use this:

- where the person concerned consented to the processing;
- for the reason that the information has been provided, e.g. in order to process the application, but also assess whether the applicant might be eligible for other types of financial assistance and to monitor the Council's performance in responding to the applicant's request;
- to provide our service in a way that is appropriate to the applicant's needs, such as communicating with them effectively if they have visual or hearing difficulties;
- to ensure that we meet our legal obligations, including those under the Housing and Equalities Acts;
- where necessary for the Council's law enforcement functions, e.g. preventing housing and/or benefit fraud and the prevention and/or detection of crime;
- to process financial transactions, such as those concerning grants and other types of housing assistance; and, where otherwise permitted under the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), e.g. disclosure to comply with legal obligations.

15.2 In deciding what personal data to collect, hold and use, staff are committed to ensure that it will:-

- recognise that any personal data handled is held behalf of that person and that officers respect that responsibility;
- adopt and maintain high standards in the handling and use of that personal data;
- only collect, hold and use personal data where it is necessary and proportionate;
- securely delete any personal data when it is no longer needed;
- keep all personal data secure and safe;
- not unnecessarily and without good reason, infringe the privacy of our residents;
- be open with individuals about how we use their information and who we give it to; and,
- ensure that effective safeguards and systems are in place to make sure personal information is kept securely and does not fall into the wrong hands.

The Council may disclose personal data to third parties, but only where it is necessary, either to comply with a legal obligation, or where permitted under the GDPR, e.g. where the disclosure is necessary to allow a third party working for or on behalf of the Council.

For further information on the GDPR refer to the Information Commissioner's website at [www.ico.org.uk](http://www.ico.org.uk).

Where the Council seeks to disclose sensitive personal data, such as medical details, to third parties, we will do so only with the prior express consent of the individual concerned or where we are legally required to do so.

Those using the service can get information on how to access the personal information that the Council holds about them by contacting the Data Protection Officer on 01992 564180 or [performance@eppingforestdc.gov.uk](mailto:performance@eppingforestdc.gov.uk).

15.3 The Council has a duty to protect the public funds it handles and documentary proof will be required to verify that the information given by the applicant in support of any application is correct.

## **16.0 INSURANCE**

16.1 In the event of a recipient of Housing Assistance pursuing a successful insurance claim, action for damages etc., which covers the cost of works for which the Housing Assistance was paid, the applicant will on demand repay the total value relating to such works or the value of the insurance payment/legal damages if lower.

## **17.0 UNFORESEEN WORK**

17.1 Once the Housing Assistance has been approved it can only be reassessed if there is additional work that could not have been foreseen at the time the original estimate was given. Examples of this might be where the Housing Assistance is for an extension and the Building Surveyor requires the foundations to be dug to a greater depth, or where rotten woodwork is uncovered when a roof repair is being carried out. It would not be where a contractor has given insufficient time to making a proper inspection of the work before preparing his estimate or failed to include work that should have been apparent.

17.2 Housing Assistance will not exceed the maximum allowance and the costs of unforeseen works may have to be paid from the personal resources of the applicant.

## **APPENDIX 1**

### **CALCULATION OF THE HOUSING ASSISTANCE/GRANT AND THE TEST OF RESOURCES, OR MEANS TEST**

#### **1.0 THE 'BENEFITS PASSPORT'**

1.1 Applicants who fulfil certain criteria can be 'passported' through the means testing part of the application process for DFGs and discretionary Housing Assistance.

1.2 Where the applicant is in receipt of and is eligible for one of the benefits below, provided they satisfy the other eligibility criteria, they will automatically qualify for the full amount of the Grant or Housing Assistance up to the relevant eligible expense limit:

- Universal Credit
- Housing Benefit
- Income Support
- Income-based Employment and Support Allowance
- Income-based Jobseeker's Allowance
- Guarantee Pension Credit
- Working Tax Credit with an income under £15,050
- Child tax Credit with an income under £15,050

1.3 With regard to discretionary Housing Assistance, applicants who do not satisfy at least one of the criteria may still receive Assistance but will need to undertake a means test carried out according to the rules set out in legislation for mandatory Disabled Facilities Grants (see below).

#### **2.0 TEST OF RESOURCES: MANDATORY DISABLED FACILITIES GRANTS (DFGS) & DISCRETIONARY HOUSING ASSISTANCE**

2.1 All Mandatory DFGs are means tested with the exception of those for work for disabled children. The rules governing the way in which the means test or 'Test of Resources', is carried out is specified in The Housing Grants Construction and Regeneration Act 1996 as amended. The same rules are used for determining eligibility/amount of assistance for discretionary Housing Assistance.

2.2 With Mandatory DFGs, it is the person that work is being carried out for that is means tested regardless of whether they are the legal owner of the property. With discretionary Housing Assistance, it is the income/resources of the property owner that is means tested, including the income/resources of any joint owners of the property regardless of whether they are resident at the property.

#### **Summary of how the level of DFG/ contribution is calculated**

2.4 The applicant's contribution (the amount they have to pay towards the grant work) is called the 'notional loan'. This is the amount that the applicant could raise in a loan over a ten-year period for an owner-occupier, or five years for a tenant, using their disposable income. The grant is calculated by taking away the applicant's contribution from the estimated cost of the work as follows:

#### **Grant = Cost of Work – Contribution**

Once the contribution has been determined in the Approval Notice, it will remain the same even if the cost of the work goes up or down.

2.5 The applicant's contribution is based on their 'disposable income' which is assumed to be the difference between their weekly income and their expenditure:

#### **Disposable Income = Income – Expenditure**



## APPENDIX 2:

### 1.0 USEFUL CONTACTS

C.A.R.E. (*Caring and Repairing in Epping Forest*) Home Improvement Agency

Civic Office

High Street

Epping

CM16 4BZ

[pshgrantsandcare@eppingforestdc.gov.uk](mailto:pshgrantsandcare@eppingforestdc.gov.uk)

Tel: 01992 56 4068

Empty Homes Officer

Private Sector Housing Team

Civic Office

High Street

Epping

CM16 4BZ

[privatesectorhousing@eppingforestdc.gov.uk](mailto:privatesectorhousing@eppingforestdc.gov.uk)

Tel: 01992 564348

### **APPENDIX 3:**

Link to the Decent Home Standard

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7812/138355.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7812/138355.pdf)

Link to the Housing Health and Safety Rating System (HHSRS)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/9425/150940.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf)

Link to the key Worker Eligibility Criteria

[https://www.moat.co.uk/uploadedFiles/Property\\_Search/FAQs/keyworker%20criteria.pdf](https://www.moat.co.uk/uploadedFiles/Property_Search/FAQs/keyworker%20criteria.pdf)