

# Appendix A of the Private Sector Housing Strategy

## HOUSING ASSISTANCE POLICY 2007

This Policy will commence 1 April 2007 and is made under the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002. It sets out the basis on which Epping Forest District Council will offer financial assistance (“Housing Assistance”) for works of repair, renewal or adaptation in the private housing sector. It is to be read in conjunction with the Council’s Private Sector Housing Strategy. This Policy will be subject to annual review 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.

All grants approved under this policy will be discretionary and are subject to the Council having sufficient funds. The Policy does not affect the offer of mandatory Disabled Facilities Grants (DFGs) and these will continue to be processed in line with the previous Grants Policy 2003 and with the appropriate legislation and guidance.

### **1.0 Purpose and Form of Housing Assistance**

- 1.1 Housing Assistance may be offered by Epping Forest District Council in accordance with this Policy towards the cost of: -
- (i) The improvement, repair or adaptation of existing living accommodation including mobile homes and houseboats;
  - (ii) The creation of new living accommodation by the conversion of existing buildings (including existing dwellings and commercial premises); and
  - (iii) Any other initiatives that are consistent with the aims and objectives of the Council's Private Sector Housing Strategy.
- 1.2 Housing Assistance may be offered in any form including but not restricted to grants, advice, provision of materials, carrying out of works, loans or loan guarantees. Some forms of financial assistance are delivered by 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.
- 1.3 The specific types of Housing Assistance available in this Policy, the conditions for eligibility and the amounts for each type of grant are specified in Part 7 of this Policy.

### **2.0 Persons Eligible for Housing Assistance**

- 2.1 Any person who makes an application for Housing Assistance must: -
- (i) Be over 18 years of age at the date of the application; and
  - (ii) Live in the dwelling as his/her only main residence (except where the applicant is a landlord who intends to let the dwelling); and
  - (iii) 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 tenancy or license permitting occupation of the dwelling for a minimum period of twelve months after approval of the grant; and
  - (iv) 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

- (v) Satisfy such test(s) of resources (see Part 7 and Appendix 3 of this Policy) as determined by the Council; and
- (vi) In the case of applications in respect of houseboats and mobile homes (and in the event of any approved applications for major works outside the scope of grants listed in Part 7 which may be approved in wholly exceptional circumstances), an owner occupier or long leaseholder must have owned the property for a period of three years prior to making the application (in all other cases one year); and
- (vii) Not be ineligible by virtue of the Housing, Grants, Construction and Regeneration Act 1996, Regulations made under the Act or any other enactment.

### **3.0 Making a Formal Application**

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

- (i) Where the estimated cost of the work is below £2,000, one quotation set out on the schedule of grant works provided by the Council is required. Where the estimated cost of the works is between £2,000 - £5,000, a minimum of two such quotations is required. If the estimated works is above £5,000, a minimum of three quotations is required. The Council may accept less than the specified number of quotations where the works involve 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;
- (ii) Particulars of the work to be carried out including where appropriate plans, schedule of work/specifications and specialist reports;
- (iii) Details of any professional fees or charges relating to the work and for which assistance is being sought;
- (iv) Confirmation of Planning and/or Building Control approval where appropriate;
- (v) 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;
- (vi) Where the applicant is the owner, a signed undertaking to repay the Housing Assistance if the conditions imposed by this policy as to future occupation or letting are breached.

3.2 The application will only be considered complete when the Council has all the information it needs to be able to make a decision on the application. Part 9 explains how to go about making initial enquires and processes before the formal application.

3.3 The Council expects all work receiving Housing Assistance to be carried out by a reputable contractor with a proven record. Details of the Council's requirements in respect of choice of builder (Appendix 1 of this Policy) are available by contacting the Grants Team in the Residential Control Unit or C.A.R.E. (contact details at the end of this Policy).

### **4.0 Restrictions on Assistance**

4.1 No assistance will normally be given for work started before formal approval of an application, except that:

- (i) The Council may in exceptional circumstances exempt an application from this condition, for example where a defect may present a serious risk to health and safety;
  - (ii) The Council may, with consent of the applicant, treat the application as varied so to exclude any works that have been started before approval;
  - (iii) This provision will not apply where the relevant works have been started/completed by the applicant in order to comply with a statutory notice served by the Council.
- 4.2 The Council will not consider an application for assistance in respect of premises built or converted less than 10 years from the date of the application, except in the case of an application for a DFG.
- 4.3 No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities.

## **5.0 Supervision of Works**

- 5.1 In the absence of any agency agreement with C.A.R.E., the responsibility for supervision 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.

## **6.0 Payment of Assistance**

- 6.1 The Housing Assistance will only be paid if:
- (i) The assisted works are completed within six months from the date of approval for Small Works Assistance and within twelve months for all other forms of Assistance or such shorter time as may be specified in the case of applications for Thermal Comfort Grants made by landlords; and
  - (ii) 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
  - (iii) The assisted works are carried out to the reasonable satisfaction of the Council and the applicant; and
  - (iv) The Council are provided with an invoice, demand or receipt for payment in an acceptable format. Any such invoice must contain sufficient detail for the Council to identify in full the works carried out and the price charged and must not be provided by the applicant or a member of his/her family.
- 6.2 If the cost of the work varies because of agreed changes in the Schedule of Work/Specification, the Council may vary the amount of grant payable and notify the applicant accordingly.
- 6.3 The Council may pay the Housing Assistance to the applicant in the builder or contractor's name or, if requested in writing by the applicant and agreed by the Council, direct to the builder or contractor engaged by the applicant. The Housing Assistance may be paid in one lump sum on satisfactory completion of the works or in instalments ("stage payments") as the work proceeds. Stage payments will only be made 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.

- 6.4 No Housing Assistance will be given until agreements appropriate to the form of assistance have been formally executed.
- 6.5 The Council will not enter into any Form of Contract with a builder or contractor and, in the absence of any agency agreement between the applicant and C.A.R.E. it is a matter for the applicant to agree any contract with the builder or contractor.

## **7.0 Types of Housing Assistance**

- 7.1 The types of Housing Assistance offered from 1 April 2007 and the conditions applicable are as follows and will remain so until this Housing Assistance Policy is revised and published. All are discretionary and are subject to the Council having sufficient resources.

### Small Works Assistance

- 7.2 **Small Works Assistance** is available:

- (i) Where there is a statutory hazard under the Housing Health and Safety Rating System (Appendix C to the Private Sector Housing Strategy) within the property rated at Band D or above, or a defect which is likely to damage the fabric of the property unless repaired; and
- (ii) To owner occupiers and long leaseholders who receive a qualifying benefit as specified in Appendix 3 of this Policy, or are assessed under the mandatory DFG means test as having a 'nil contribution'. Applicants must be aged 60 years or over or must be chronically sick or be a household with dependent children.

- 7.3 The works for which Small Works Assistance will be offered are:

- (i) Works of repair and/or improvement to remedy the deficiency causing the hazard; and/or
- (ii) Works of repair and/or improvement to rectify the defect causing the damage to the dwelling; and/or
- (iii) Works to improve thermal comfort.

- 7.4 The maximum cost of the work that will be considered for Assistance is £5,000.

- 7.5 Grants are allocated in date order. The Council may deal with an application out of date order where there is an imminent risk to health and safety.

- 7.6 No more than one application can be made in any one 12 month period.

### Decent Homes Assistance

- 7.7 **Decent Homes Assistance** is available:

- (i) Where there is a statutory hazard under the Housing Health and Safety Rating System within the property rated at Band D (Appendix C to the Private Sector Housing Strategy) or above, or disrepair, which amounts to a breach of the Decent Homes Standard (Appendix D of the Private Sector Housing Policy);
- (ii) To owner occupiers and long leaseholders who must be aged 60 years or over or must be chronically sick or be a household with dependent children; and
- (iii) Where the property is included in Council Tax Bands A – E.

- 7.8 The works for which Decent Homes Assistance will be offered are:
- (i) Works of repair and/or improvement to remedy the deficiency causing the hazard; and/or
  - (ii) Work to repair or replace building components which are old and because of their condition require replacing or repair (if there is only one such building component it must be a key building component (Appendix D of the Private Sector Housing Policy); and/or
  - (iii) Work to replace defective kitchen or bathroom/wc fittings or kitchen fittings over 20 years old and bathroom fittings over 30 years old; and/or
  - (iv) Work to provide a reasonable degree of thermal comfort (Appendix D of the Private Sector Housing Policy).

The property will normally be expected to meet the Decent Homes Standard upon the completion of the works. However, in exceptional cases it may be acceptable for the completed works not to fully meet the Standard; for example where the cost of the work required would be prohibitive. In such cases the application would have to be made under the 'Special Circumstances' provisions (see Appendix 2 to this Policy).

- 7.9 No grant will be made available **only** for the replacement of defective kitchen or bathroom/WC fittings unless the condition of the fittings gives rise to a statutory hazard.
- 7.10 The maximum cost of the work that will be considered for grant is £15,000. Applicants who receive a qualifying benefit as specified in Appendix 3 of this Policy will receive 100% grant up to £15,000 provided they satisfy the other eligibility criteria. For applicants who do not receive a qualifying benefit, the level of assistance will be determined under the mandatory DFG means test.
- 7.11 A owner occupier or long lease holder will be required to give a signed undertaking to occupy the dwelling as their principal residence for a period of twenty years after completion of the assisted works (a Certificate of Owner Occupation) as a binding condition of the grant. In the event of a breach of the conditions in a current Certificate of Owner Occupation for whatever reason, the Council will require repayment of the grant. Please also see Part 8 of this Policy.
- 7.12 Grants are allocated in date order. The Council may deal with an application out of date order where there is an imminent risk to health and safety.

### Thermal Comfort Grants

- 7.13 A discretionary **Thermal Comfort Grant** may be available:
- (i) Where a property fails the Decent Homes Standard (Appendix D of the Private Sector Housing Strategy) because of inadequate heating or thermal insulation;
  - (ii) To owner occupiers or long leaseholders who receive a qualifying benefit as specified in Appendix 3 of this Policy or are assessed under the mandatory DFG means test, and landlords. Owner-occupier or long leaseholder applicants must be aged 60 years or over or must be chronically sick or be a household with dependent children.
- 7.14 The maximum cost of the work that will be considered for assistance is £3,000 for a dwelling in single occupation or £750 per letting in a house in multiple occupation (subject to a maximum of £4,500 per house in multiple occupation). Future owner occupiers and long leaseholders who receive one of the qualifying benefits as specified in Appendix 3 of this Policy will receive 100% of the cost of the work up to these limits. For owner occupiers who do not receive one of the qualifying benefits the level of grant

will be determined by the means test. Landlords will receive a grant of 50% of the cost of the work up to these limits.

- 7.15 Landlords will be required to complete a Certificate of Availability for Letting as permanent residential accommodation for 5 years after completion of the assisted works. In the event of a breach of these conditions the Council reserves the right to require repayment of the Grant. Please also see Part 8 of this Policy.
- 7.16 Where a landlord applies for a Thermal Comfort Grant and inspection shows both that a Category 1 hazard exists and that the grant criteria are satisfied, the Council will serve a Hazard Awareness Notice. If the work specified in the Hazard Awareness Notice is not carried out within the time stipulated in the grant approval, the Council will withdraw it and serve an Improvement Notice requiring the landlord to carry out the remedial work.

#### Mandatory Disabled Facilities Grants (DFGs)

- 7.17 The rules for processing **Mandatory DFGs** and the conditions attached to them are laid down in the Housing Grants Construction and Regeneration Act 1996 as amended. They are to help provide:
- Essential facilities within the home, such as a level access shower; and/or
  - Essential adaptations to give better freedom of movement into and around the home and to essential facilities within it, such as widening doorways for wheelchair access.
- 7.18 The amount of the grant is determined by the 'Test of Resources' or Means Test carried out on the disabled person that the work is being carried out for. If this person is under 18 years of age, however, 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 £25,000.
- 7.19 Regardless of whom 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.
- 7.20 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 disabled, and the Occupational Therapist at Essex County Council's Adult Social Care department must confirm that the work is both necessary and appropriate for them.
- 7.21 The normal conditions attached to Housing Assistance requiring 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 five years following the completion of the work the Council may recover specialist equipment installed under the grant. If the Council intends to do so this will be specified in the grant Approval Notice.

#### Discretionary DFG/Relocation Grant

- 7.22 A **discretionary DFG** may be available:
- (i) Where the applicant is eligible for a mandatory DFG and the cost of the works exceeds the maximum eligible expense limit or the type of work which is necessary is not eligible for mandatory grant aid; and
  - (ii) 'Special Circumstances' apply (see Appendix 2 of this Policy); and
  - (iii) The Council has adequate budgetary provision.

- 7.23 It is unlikely that the maximum cost of work that will be considered for assistance will exceed £15,000. The standard DFG test of resources (see Appendix 3 of this Policy) will apply to all applications for discretionary DFG.
- 7.24 The approval of the Head of Environmental Services will be required for any discretionary DFG.
- 7.25 A discretionary **Relocation Grant** may be available:
- (i) Where an applicant is eligible for a mandatory DFG but the necessary works are not feasible at the property, or could only be carried out at wholly disproportionate cost; and
  - (ii) The new property can be occupied as it stands or with adaptation at reasonable cost.
- 7.26 The maximum cost of the work that will be considered for assistance is £10,000. The standard DFG test of resources (see Appendix 3 of this Policy) will apply.
- 7.27 No household can receive any more than one Relocation Grant.
- 7.28 The approval of the Head of Environmental Services will be required for any discretionary Relocation Grant.

#### Empty Homes Grant

- 7.29 A discretionary **Empty Homes Grant** may be available:
- (i) Where a property been vacant for a minimum period of one year before the submission of any application; and
  - (ii) There is a significant hazard within the property rated at Band D (Appendix C of the Private Sector Housing Strategy) or above, or disrepair, which amounts to a breach of the Decent Homes Standard (Appendix D of the Private Sector Housing Strategy).
  - (iii) To landlords or persons who have inherited the property.
- 7.30 The works for which an Empty Homes Grant will be offered are:
- (i) Works of repair and/or improvement to remedy the deficiency causing the hazard; and/or
  - (ii) Work to repair or replace building components which are old and because of their condition require replacing or repair (if there is only one such building component it must be a key building component (Appendix D of the Private Sector Housing Strategy)); and/or
  - (iii) Work to replace defective kitchen or bathroom/wc fittings or kitchen fittings over 20 years old and bathroom fittings over 30 years old; and/or
  - (iv) Work to provide a reasonable degree of thermal comfort (Appendix D of the Private Sector Housing Strategy).
- 7.31 No grant will be made available only for the replacement of defective kitchen or bathroom/wc fittings unless the condition of the fittings gives rise to a statutory hazard.
- 7.32 The maximum amount of the work that will be considered for assistance is £10,000. Future owner-occupiers and long leaseholders will be subject to a test of resources (see Appendix 3 of this Policy), which will also determine how much the grant will be. Landlords will receive a grant of 50% of the cost of the work up to this limit.
- 7.33 A owner occupier or long lease holder will be required to give a signed undertaking to occupy the dwelling as their principal residence for a period of ten years after completion of the assisted works (Certificate of Owner Occupation) as a binding condition of the

grant. Landlords will be required to give a signed undertaking to make the dwelling available for letting as permanent residential accommodation for 5 years after completion of the assisted works (A Certificate of Availability for Letting). The Council reserves the right to apply nomination rights to a Certificate of Availability for Letting. In the event of a breach of the conditions in a current Certificate of Owner Occupation or a Certificate of Availability for Letting for whatever reason, the Council will require repayment of the grant. Please also see Part 8 of this Policy.

### Conversion Grants

- 7.34 A discretionary **Conversion Grant** may be available:
- (i) To convert redundant space in existing buildings to permanent residential accommodation available for rent at rent levels consistent with the market for rented dwellings generally in Epping Forest;
  - (ii) To landlords.
- 7.35 The maximum cost of the work that will be considered for Grant is £10,000 per unit of accommodation subject to a further maximum of £30,000 per scheme or building. The grant will be a maximum of 50% of the work up to these limits.
- 7.36 Landlords will be required to give a signed undertaking to make the dwelling available for letting as permanent residential accommodation for 5 years after completion of the assisted works (A Certificate of Availability for Letting). The Council reserves the right to apply nomination rights to a Certificate of Availability for Letting. In the event of a breach of the conditions in a current Certificate of Availability for Letting for whatever reason, the Council will require repayment of the grant. Please also see Part 8 of this Policy.

## **8.0 Repayment of Housing Assistance**

### General

- 8.1 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.
- 8.2 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

- 8.3 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.
- 8.4 Where a landlord has given a signed undertaking that the property will be available for letting for a period of five years after completion of the assisted works, and if they cease to make the relevant property available for letting during the five year period, then they shall repay on demand to the Council the total amount of Housing Assistance paid out.
- 8.5 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

- 8.6 If the applicant should die before the Housing Assistance is approved, the application will be treated as withdrawn.
- 8.7 If the applicant should die after approval of the Housing Assistance or whilst 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 full or, if the works originally agreed are not completed in full, an appropriate proportion of the Housing Assistance.
- 8.8 Where an applicant dies after completion of the works but before the expiry of the period of the undertaking, 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

- 8.9 The Council reserves the right to impose additional conditions when making a grant approval. These may include but are not restricted to:
- (i) A contribution to the cost of the assisted works by the applicant;
  - (ii) The right to nominate tenants to housing accommodation available for rent;
  - (iii) Housing accommodation being maintained in repair after completion of the assisted works;
  - (iv) The right of the Council to recover specialised equipment when no longer needed.
- 8.10 Breach of any additional conditions gives the Council the right to seek repayment of the Housing Assistance on demand.

### Security and Repayment

- 8.11 Where a grant condition imposes a liability to repay the Housing Assistance, the condition will be registered by the Council as a local land charge.
- 8.12 The Council may at its discretion determine to require repayment of a lesser sum than the full amount of Housing Assistance. Examples of circumstances where the discretionary may be exercised include breaches of grant conditions arising where the applicant or 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 grant application and the mortgagee is exercising the power of sale.

## **9.0 Enquiries and Applying for Assistance**

- 9.1 All enquiries should be addressed to the Residential Control Unit and /or C.A.R.E. on 01992 564092/01992 564086. Leaflets explaining the types of financial assistance and advice on these will be available during normal office hours (9.00am – 5.00pm). Informal advice is available by telephone contact. Where appropriate, visits may be made to home of a person making the enquiry.
- 9.2 Persons wishing to pursue a grant where a test of resources (see Part 7 and Appendix 3 of this Policy) applies will be asked 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 before the enquirer decides if they wish to proceed further with an application.

- 9.3 Where a person decides to continue with an application, then an inspection of the property will be carried out and where appropriate to proceed, a schedule of works drawn up. The schedule will specify the works to be carried out as a requirement for financial assistance and will be used by the applicant to obtain quotations from builders and/or specialist suppliers.
- 9.4 The application will be considered to have been formally made when the applicant has submitted a formal application along with a priced schedule and any other document required (such as plans, building and planning consents, specialist reports, etc). The documents required are set out in Part 3.
- 9.5 Once approval has been given, the applicant has up to six months for Small Works assistance and up to twelve months for all other forms of assistance from the date of approval, to complete the works or such shorter time as may be specified with Thermal Comfort Grants to landlords.

## **10.0 Decision and Notification**

- 10.1 The Council will notify applicants in writing whether their application has been approved or refused. The decision will be notified as soon as reasonably practicable and in any event no later than six months after receipt of a complete application.
- 10.2 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 builder/contractor who will carry out the works and the time by which the works must be completed.
- 10.3 If the application is refused, the Council will give the reasons for the refusal and also confirm the procedure for appealing against the decision (see Appendix 2 of this Policy).

## **11.0 Re-determination of the Grant**

- 11.1 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 grant framework set out in this document and notify the applicant accordingly. See Appendix 1 of this Policy, 'Unforeseen Work'.

## **12.0 Appeals Against Decisions**

- 12.1 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. The Appeals Process is set out in Appendix 2 of this Policy.
- 12.2 Any possible departure from this Policy will only be considered where the applicant can demonstrate wholly exceptional circumstances to justify such a departure.
- 12.3 If you are not happy with the service you receive (rather than any part of this Policy) you should first contact directly the Private Sector Housing Policy and C.A.R.E. Manager on 01992 564177 or the Principal Team Leader for the Environmental Protection Team on 01992 564197.

## **APPENDIX 1 to Housing Assistance Policy**

### **CONDITIONS COMMON TO ALL TYPES OF HOUSING ASSISTANCE**

#### Contractors

Where the Council is giving assistance/a grant, the work must be carried out by a reputable contractor with a proven record. Competent contractors who have, within six months before the application is made, carried out assistance/grant work in Epping Forest District will automatically be accepted but others will have to provide documentation to the Council before their estimates will be accepted as part of a Housing Assistance application. The requirements are:

#### *For work costing under £2000*

- 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:
- Entry in telephone directory;  
and (if applicable):
- VAT Registration or CIS Certificate;  
and (if relevant):
- Proof of membership of a regulatory body or trade association, e.g. CORGI, IEE, FENSA, Federation of Master Builders, etc.

#### *For work costing over £2000*

- Is contractor registered with Constructionline? (If yes no other proofs are necessary);  
or:
- All of the checks for work costing less than under £2000;  
and:
- National Anti-Fraud Network Company/Director search including credit check. Please note that the contractor has to give written permission for this to be carried out. The Council will supply a form for contractors to do this.

The Council does keep a list of the names of contractors who have previously carried out assistance/grant work and this will be supplied upon request to anyone applying for Housing Assistance. It is made clear to applicants wishing to use one of the contractors from the list that the contractors are not recommended or approved by the Council although they do fulfil the requirements outlined above.

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.

In normal circumstances the work must be carried out by one of the contractors that supplied estimates with the application. If more than one estimate was supplied this will usually be the one who gave the lowest estimate. Where the builder 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.

### Data Protection and Fraud

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.

Epping Forest District Council is a Data Controller under the Data Protection Act and holds information for the purposes specified in its notification made to the Information Commissioner.

In processing an application for assistance the Council may get information about the applicant from others, or give information to them. If this is the case, it will only be as the law permits, to:

- Check accuracy of information.
- Prevent or detect crime.
- Protect public funds.

The Council may check information received about the applicant with other information already held in Council records. This can include information provided by the applicant as well as by others such as government departments and agencies.

Information about the applicant will not be given to anyone outside Epping Forest District Council unless the law permits it.

Applicants can obtain further information from the Councils Data Protection Officer.

### Insurance

If the applicant receives a payment from an insurance company for work that has already been paid for out of Housing Assistance they will be required to repay the assistance/grant from the proceeds of the insurance payment.

### Unforeseen Work

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 deeper, 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.

## **APPENDIX 2 to the Housing Assistance Policy**

### **APPLICATIONS UNDER SPECIAL CIRCUMSTANCES AND APPEALS PROCESS**

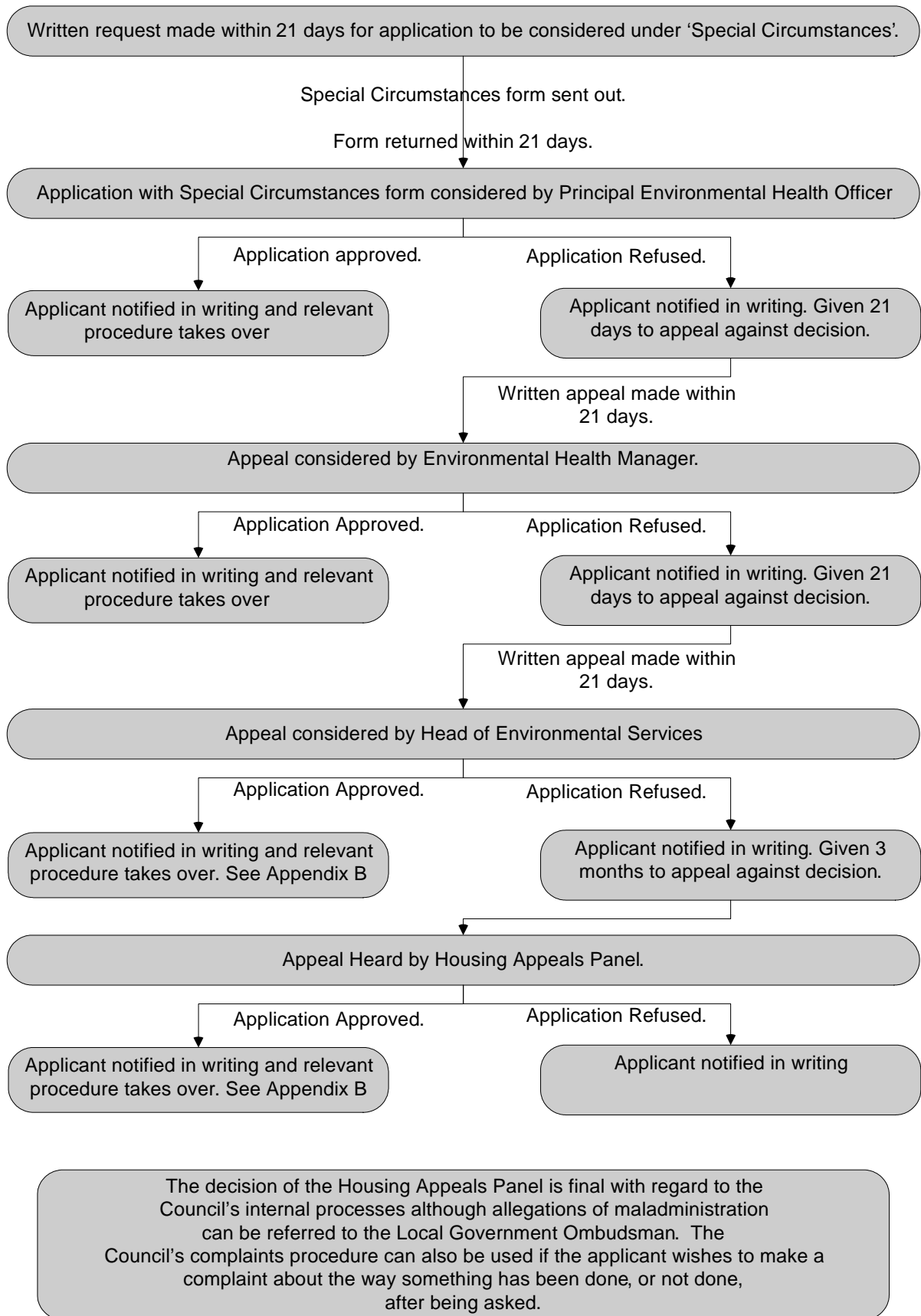
When the Council receives the appropriate completed Housing Assistance application form the Grants Officer will decide whether the applicant appears to be eligible for Housing Assistance. If the application meets the criteria, the applicant will be notified in writing and one of the procedures outlined below will be followed.

If the application does not appear to fulfil the requirements, the applicant will be notified in writing and given a period of twenty-one days to say whether they wish to apply under 'special circumstances'. This would apply where the applicant felt that their personal circumstances were such that the Council should make an exception to its normal policy in their case.

The budget for Housing Assistance is limited. Whatever the circumstances the Council can only provide Housing Assistance if funds are available. Preference will always be given to mandatory DFG applicants.

The procedure for processing a grant application under 'Special Circumstances' follows on the next page.

**Grant Processing – Special Circumstances Procedure**



**APPENDIX 3 to the Housing Assistance Policy**

**CALCULATION OF THE GRANT AND THE TEST OF RESOURCES, OR MEANS TEST**

1. The 'Benefits Passport'

Applicants who fulfil certain criteria can be 'passported' through the means testing part of the grants process. This only applies to applicants for Small Works Assistance, Decent Homes Assistance and owner occupiers' applications for Thermal Comfort Grants.

Where the applicant can satisfy the criteria in one of the boxes below, provided they satisfy the other eligibility criteria, they will automatically qualify for the full grant up to the relevant eligible expense limit:

<b><i>Applicants who are over 60</i></b>
<ul style="list-style-type: none"><li>• Income support</li><li>• Council Tax Benefit</li><li>• Housing Benefit</li><li>• Income-based Jobseeker's allowance</li><li>• Pension Credit</li></ul>

<b><i>Applicants with a long-term chronic illness</i></b>
<ul style="list-style-type: none"><li>• Working Tax Credit (with an income of less than £15,460 and which must include a disability element)</li><li>• Attendance Allowance</li><li>• Disability Living Allowance</li><li>• Income Support (which must include a disability premium)</li><li>• Housing Benefit (which must include a disability premium)</li><li>• Council Tax Benefit (which must include a disability premium)</li><li>• War Disablement Pension (which must include a mobility supplement of Constant Attendance Allowance)</li><li>• Industrial Injuries Disablement Benefit (which must include Constant Attendance Allowance)</li></ul>

***Applicants with children under 16 (or are pregnant and have a maternity certificate MAT B1)***

- Child Tax Credit  
(with an income of less than £15,460)
- Income Support
- Housing Benefit
- Council Tax Benefit
- Income-based Jobseeker's Allowance
- Pension Credit

Applicants for the types of assistance described above who do not satisfy at least one of the criteria may still receive a grant by submitting to the Mandatory DFG Means Test (see below).

## 2. Mandatory Disabled Facilities Grants (DFGs)

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.

With both Mandatory and Discretionary DFGs, it is the disabled person that work is being carried out for that is means tested regardless of whether they are the legal owner of the property.

Applicants who do not receive the qualifying benefits in paragraph 1. above, may qualify for certain types of Assistance under the Mandatory DFG means test. The circumstances in which this will apply are given in Section 7. In these circumstances it will be the legal owner of the property that is means tested.

## **How the level of DFG is Calculated**

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:

$$\text{Grant} = \text{Cost of Work} - \text{Contribution}$$

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.

## **Calculation of Disposable Income**

Disposable income is assumed to be the difference between the applicant's weekly income and expenditure:



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

Actual income and savings are taken into account but, instead of actual expenditure, a reasonable cost of living is calculated from a series of 'allowances' and 'premiums' defined in legislation. The allowances and premiums applied in the test are revised, generally at least annually and it is not intended, therefore, to itemise them here. A list of the allowances and premiums currently in operation can be made available on request.

The income is the applicant's total weekly income from all sources with the exception of some benefits which are ignored in full, such as Income Support and Attendance Allowance, and some of which part is ignored, such as War Disablement Pension.

The first £6,000 of the applicant's total savings is converted into weekly income (known as 'Tariff Income') at a rate of £1 per week for every £250 for people under 60 and at a rate of £1 per week for every £500 for people of 60 and over.

## **Calculation of the applicant's financial contribution**

### ***Owner-occupiers***

Weekly Disposable Income (see above)	£
The first £47.95 is multiplied by:	19.37
The next £47.95 is multiplied by:	38.73
The next £95.90 is multiplied by:	154.93
All remaining income is multiplied by:	387.33

### ***Tenants***

Weekly Disposable Income (see above)	£
The first £47.95 is multiplied by:	11.21
The next £47.95 is multiplied by:	22.41
The next £95.90 is multiplied by:	89.66
All remaining income is multiplied by:	224.15

(NB Figures correct at September 2006)

The figures are added together and the total is the applicant's contribution.