

# Private Sector Housing assistance policy

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# 1 Executive summary

- 1.1 In 2018, the council signed off on its new Housing Strategy for Luton (2019 to 2022), which consolidated the council's commitment to delivering positive housing and health and wellbeing outcomes for residents in Luton; public and private sector tenants and owner-occupiers alike.

This policy supports the delivery of the key pledges within the strategy, with a focus on private households, in respect of promoting and supporting the delivery of good quality homes and places; enabling the delivery of the right type of homes in Luton that align to local housing needs; and using housing as a mechanism to improve the health and wellbeing and quality of life of residents.

The policy also contributes to the overarching local strategy of ensuring our town is a place where everyone can thrive by 2040, as the policy includes provision for reducing the cost of living for Luton's most vulnerable residents and preventing homelessness by supporting residents to stay in their homes.

- 1.2 To achieve this, the council has developed a broad assistance offer targeted at the most vulnerable residents in Luton to meet their needs.

The discretionary assistance aims to support both the statutory DFG (Disabled Facilities Grant) policy for local authorities and the statutory ECO (Energy Company Obligation) policy for energy suppliers, to cover any gaps in provision to ensure residents do not miss out on financial support and can live as independently as possible within their home. The discretionary assistance also includes provision for home improvement.

- 1.3 For the council to be in a position to continue to deliver this policy, it has to remain solvent by ensuring that its spending is prudent and sustainable. For this reason, the policy has prioritised types of assistance and has provided assistance in the form of a loan for the purpose of recycling funds to support sustainability of the policy.

The policy has also committed to a continuous cycle of reviewing against changing national and local strategic and financial priorities and adapting the policy to these new challenges if necessary.

The available grant and loan assistance is as follows:

## Mandatory

- 1.4 **Disabled Facilities Grants:** Disabled Facilities Grants (DFG) under the provisions of the Housing Grants, Construction & Regeneration Act 1996 (as amended). The council must provide Disabled Facilities grants up to the statutory maximum.

## Discretionary

- 1.5 **Relocations Assistance:** Assistance for applicants for DFG, in the form of a loan, that will assist with the relocation costs of moving to a property that will better meet your housing needs, or to support care for looked after children.
- 1.6 **Minor Adaptations Grant:** A grant to fast-track eligible DFG applications that require small, low-cost adaptations.
- 1.7 **Discretionary Disabled Facilities Assistance:** A grant to cover the cost of additional works which exceed the remit of Disabled
- 1.8 Facilities Grant.

- 1.9 **Disabled Facilities Grant Top Up:** A grant that will top-up the DFG if the assessed works amount to more than the statutory limit, to ensure disabled residents do not miss out on crucial adaptation works.
- 1.10 **Warm Homes Assistance:** A grant or loan to top-up other funding such as ECO grants to offset the gap between the cost of the works and the maximum contribution agreed by the energy supplier or grant provider, to ensure residents do not miss out the chance to receive this crucial financial support that will alleviate fuel poverty.
- 1.11 **Loft Conversion and Home Extension Loan:** Loan assistance for either a loft conversion or an extension to provide an additional bedroom, to alleviate overcrowding or support foster carers/adopters to access the right size of home.
- 1.12 **Empty Homes Assistance:** Loan assistance bring long-term vacant properties back into use, which includes either major repair works or a conversion into a residential property.
- 1.13 **Decent Homes Loan:** Loan assistance to deliver major repair works to bring the property up to the Decent Homes Standard.

## 2 Introduction

- 2.1 This policy updates and replaces Luton Council's Housing Assistance Policy that was developed and approved by Executive in 2014.
- 2.2 The policy sets out the various forms of assistance that the council offers. It clarifies whether the assistance is provided in the form of a grant or a loan and provides information about eligibility requirements and the terms and conditions of accepting and receiving the assistance, which recipients will be required to agree to.

The policy provides support for disabled residents to live independently in their home, support for alleviating fuel poverty by introducing low-carbon and energy efficiency measures to reduce heating bills, support for improving the quality of the home to increase the supply of decent and liveable homes in Luton, and also to ensure that people have enough living space.

The policy is driven by the need to support vulnerable residents and the need to provide targeted financial assistance.

- 2.3 The policy also sets out the general terms and conditions which are applicable to every form of assistance equally unless stated otherwise.
- 2.4 The policy is not a legal requirement, however the council has discretion through the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to provide assistance beyond statutory levels as long as it is in accordance with a published policy.

### 3 Purpose

- 3.1 The purpose of this policy is to utilise the discretionary powers granted to local authorities under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
- 3.2 The policy supports wider strategic ambitions for Luton, including the Housing Strategy (2019-2022); Corporate Plan; and especially the Luton 2020-2040 Vision including aims for No-One in Poverty; Child Friendly Town and Carbon Neutral Town.
- 3.3 The policy supplements existing legislation such as Disabled Facilities Grants and Energy Company Obligations, to assist vulnerable residents.

## 4 Legal framework

The legislative drivers for this discretionary policy are as follows:

**4.1 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002:** This legislation gave local authorities discretionary powers to provide financial assistance for home improvement, adaptation and repair works.

To be able to provide this assistance, council's must first publish a discretionary housing assistance policy setting out how it intends to use these powers to award assistance. The policy enables council's to set terms and conditions for the assistance (including repayment conditions). Specifically, the legislation requires published policy to include the following:

- Types of assistance the council may make available;
- Eligibility conditions for the assistance;
- Amount of assistance available;
- Conditions that will apply to the provision of the assistance;
- Circumstances when repayment is required

**4.2 Decent Homes: Definition and Guidance for Implementation June 2006 (Updated from Housing Act 2004):** This introduced a set of technical standards to determine the baseline by which a home can be defined as decent. A decent home meets the following requirements:

- It is free of category 1 hazards
- It is in a reasonable state of repair
- It has reasonably modern facilities and services
- It provides a reasonable degree of thermal comfort

**4.3 Housing Grants, Construction and Regeneration Act 1996:** This act regulates statutory DFGs, placing a duty on council's to provide adaptations which are necessary and appropriate to meet their needs and are reasonable and practicable to undertake the adaptations, having regard to the age and the condition of the dwelling. The grant is subject to a means test.

**4.4 The Electricity and Gas (Energy Company Obligation) Order 2018:** This legislation places an obligation on energy suppliers to meet the target each year for implementing energy efficiency measures in low-income households to alleviate fuel poverty. The measures include repair or replacement of a boiler, cavity wall insulation and loft insulation and are designed to reduce the carbon output and the heating costs for the household.

**4.5 Housing Act 1985 (Definition of Overcrowding):** This act introduced a national standard for determining whether a home is overcrowded or not. The definition is provided in respect of a room standard and a space standard respectively.

**4.6 Technical housing standards – nationally described space standard (March 2015 as amended):** This introduced internal space standards, in respect of the floor, storage and amenity space for one and two storey dwellings, up to six-bed dwellings.



## 5 Scope

- 5.1 This policy is applicable to households in private sector housing (including leaseholders for Empty Homes Assistance and tenants of registered provider social landlords for DFG). The eligibility requirements for the assistance will determine if the assistance is only available to a specific housing tenure.

While legislation does not restrict recipients of discretionary assistance to just the private sector, other forms of legislation and funding arrangements are in place to manage the standard of home and respond to adaptations and other housing needs for social and affordable housing tenants in council-owned dwellings.

The principles of DFG assistance (with the exception of the means test) equally apply to adaptations in the council's own stock.

- 5.2 The qualifying benefits detailed in each form of assistance will be the same as those for DFG, unless stated otherwise, and will vary from time to time.

## 6 Aims

The aims of the policy are as follows:

- 6.1 To enable residents with a disability to live independently and safely in their home.
- 6.2 To prevent homelessness by supporting people to stay in their home.
- 6.3 To prevent hospital admission or a care placement by supporting people to stay in their home, or relocate to home that meets their needs.
- 6.4 To make homes more energy efficient to contribute to the delivery of carbon neutral by 2040.
- 6.5 To alleviate fuel poverty and improve health by implementing energy efficiency measures to reduce the cost of heating.
- 6.6 To alleviate overcrowded properties in Luton.
- 6.7 To enable foster carers or adopters to access the right size of property to be able to provide care for children.
- 6.8 To improve the quality and condition of private sector homes and places in Luton by bringing homes up to the Decent Homes Standard and by bringing long-term vacant properties back into use.
- 6.9 To increase the supply of good quality, affordable housing in Luton.

## 7 Prioritisation of the assistance and budget allocation

- 7.1 Given that the council has limited funds available assistance is prioritised. Please note that the DFG is mandatory, so the council is always required to deliver this service. The total budget allocation approved by the council will vary each year, which must fund DFG and all other forms of Housing Assistance
- 7.2 The funding for this assistance is subject to continuous review and redesign by the council and is dependent on any changes to the council's funding streams and also changes to the strategic priorities of the council. However, the council will continue to make use of loan assistance recovered through repayment conditions by recycling the funding into future budget allocation.

## 8 General terms and conditions

The following terms and conditions apply to both applicants and recipients of the assistance. Some forms of assistance may have additional specific conditions.

### Application process

8.1 Any person making an application must be:

- 18 or over
- living, or proposing to live, in the dwelling which is subject to the application as their sole main residence
- living within the area of Luton
- living in a property in the private sector and where specified must own the property

8.2 The demand for assistance far outstrips the resources available and in order to manage the funds available, the council maintains a waiting list of enquiries for potential assistance.

8.3 Enquiries are held in strict date order on the waiting list until the council is confident that it can deal with an application and the assistance is available, the council will arrange for an inspection of the property in question.

Although the survey is comprehensive it is non-intrusive, ie it will not pull back carpets or open up floors to examine the condition of the floors beneath. It is not uncommon, therefore, for additional works to become necessary during the course of the work.

8.4 Guidance on how to apply for any assistance can be found on the council website.

Additionally, interested parties requiring any adaptations to meet the needs of a disabled resident must first contact the occupational therapist for an assessment by telephoning 01582 546000 or e-mailing [AccessandAssessment@luton.gov.uk](mailto:AccessandAssessment@luton.gov.uk).

The occupational therapist will assess the applicant and make a referral to the Adaptations team, if appropriate.

For all other forms of housing assistance applicants must make an enquiry by telephoning 01582 546000 or e-mail [PSecHousing@luton.gov.uk](mailto:PSecHousing@luton.gov.uk).

8.5 Applicants who are applying in relation to fostering will need to liaise with Children's Services to obtain a referral and sign a fostering agreement.

8.6 Not all forms of assistance will require a full test of resources. However, applicants for DFG or other adaptations, will be required to undertake a test of resources to determine how much they can contribute to the works and will be required to provide supporting financial documentation. The information required is detailed and gathered through the application form. Applicants in receipt of certain benefits are passported through the test of resources.

8.7 Once the test of resources has been completed, applicants will be advised of their contribution towards the work and will be required to confirm acceptance of the amount, that they have access to funds and that they have read and understand the repayment conditions.

8.8 The council will undertake a survey and prepare a schedule of works.

8.9 Unless proceeding with the assistance of the council's in-house agency service, applicants must then arrange for two separate builders to provide quotations, together with relevant supporting documents, for the work, and submit them to the council for consideration.

- 8.10 The council will consider the quotations (and may request additional information), and calculate the amount of housing assistance appropriate to the council offer. An approval document will be sent to the applicant and is the council's formal commitment to the project.
- 8.11 The applicant, or their agent, must then make arrangements with the builder for the work to be carried out and completed to the satisfaction of the council within one calendar year of receipt of the approval document.
- 8.12 Whilst it may be possible to expand on any works deemed necessary and appropriate by Luton Council it must be noted that any works carried out in addition to those specified by Luton Council must be wholly funded by the applicant.
- 8.13 In order to ensure that public money is properly spent, inspections of the works in progress are carried out at particular stages and these, too, are detailed on the approval document.
- 8.14 On completion, the works will be subject to a final inspection before releasing the final payment.

## Choosing a building contractor

- 8.15 The builder is employed and supervised directly by the applicant, or his/her agent, and the applicant, or his/her agent, is fully responsible for the contract with the builder, dealing with any disputes and ensuring work is completed to the required standard.
- 8.16 The council encourages the applicant to use a builder that is featured on the council's Official list of builders interested in grant work. Interim payments will not be made to a builder that is not on the approved list.
- 8.17 The council requires quotations from two different contractors and will consider the reasonableness of the prices quoted, taking into consideration standard prices and the cost of similar work.

The value of the assistance will be based on the council's assessment of the required works. Should the council consider that the builder's estimate is excessive, then the applicant will have to pay to the builder the difference between the council's calculation and the builder's estimate.

## Repayment conditions

- 8.18 The council will impose repayment conditions on some forms of Housing Assistance. Where repayment is specified in the assistance-specific terms and conditions, the applicant will be required to agree to a mortgage charge being registered against the property, and a small annual payment, which will be deducted from the outstanding debt.  
  
This charge will not be removed until the repayment conditions are met in full. The recipient of the assistance may pay the loan back in full at any time with no penalty applied.
- 8.19 Other than for disabled facilities grants (see paragraph 13.31), repayments may include an inflationary adjustment or interest charge based on means testing and loan reference rates. These repayment conditions are necessary for the council to meet its value for money obligations.
- 8.20 Where the applicant fails to make the necessary arrangements, the council will seek to recover the money through the courts to enforce the charge and secure payment and the court may order the sale of the property.

## Exemptions and cases falling outside the scope of the policy

- 8.21 Please note that all housing assistance applications will be considered against the published criteria. If the application does not meet the criteria, the council will inform the applicant in writing of the reason why their application is being refused. Where an applicant is refused assistance, the applicant may request a review and they should do so in writing to the council within 28 days of the date of refusal.
- 8.22 The council recognises that there will be cases that fall outside the scope of the policy, as it is unlikely the policy can account for every possible scenario. If this is the case, correspondence on this issue will be done in writing.
- The council will commit to consider each request on its merits on a case by case basis and will expect the applicant to provide as much relevant detail as possible to support decision making.
- 8.23 Request for a review will not be considered if the applicant simply disagrees with the decision. For a review to be considered, the applicant must provide the grounds in writing to the head of private sector housing and must address one of the following:
- 8.24 That the policy has not been applied correctly to the case in question;
- 8.25 That the case in question is exceptional in some way and justifies an exception to the policy
- 8.26 The review will be undertaken by a panel of appropriate officers. The decision will be made by the panel and where appropriate, will consult with the head of private sector housing. Notification of the decision to the applicant will be made in writing
- 8.27 Where the review does not resolve the case to the satisfaction of the applicant in question, the applicant may appeal to the housing appeals panel.
- 8.28 The decision by the appeals panel is final and the chair will notify the applicant of the decision in writing within 28 days of the decision.

## Circumstances where assistance will not be provided or will be rescinded if it has already been provided

- 8.29 The council will refuse assistance, or will require repayment of assistance, in the following circumstances:
- the works for which financial assistance is sought have already started, unless prior permission has been given at the discretion of the adaptations manager  
As an example, to remedy a defect that poses a serious risk to health and safety
  - where fraudulent activity has been taken place because it is found that the recipient has provided false or misleading information  
In this instance, full repayment of the assistance plus 8% interest above bank base rate, of the assistance provided, until repayment, will be required.
  - the ownership of the property is in dispute;
  - where the owner of the property has a statutory duty to undertake the necessary works to the dwelling
  - where the proposed works would normally be covered by an insurance settlement  
If it is found that the applicant has submitted an insurance claim, the applicant will be required to ask the insurance company to confirm in writing the extent of the claim

and their liability, if any, and share this information with the council, the value of the housing assistance will be reduced by the amount equivalent to the insurance company's liability.

- if an applicant seeks assistance for works, where other types of assistance for the works is available
- where the works are for an outbuilding
- where the household resides in a council-owned property
- where the terms and conditions set out in the policy are infringed
- where the household has been in receipt of the same type of works that they are applying for, previously (ie the council will not provide the same assistance to the client twice)
- where the contractor provides a quotation for, or delivers, ineligible works that are not covered by the policy

This list is not exhaustive

## Complaints

- 8.30 Luton Council strives to provide the best service for everyone, so we therefore take complaints seriously to identify and act on opportunities for improvement. We hope to settle this quickly and informally at your first point of contact. However, where this is not possible, the council has a two stage complaint process [which can be found on our website](#). The process is as follows:
- 8.31 **Stage 1:** we try to resolve issues quickly and will try to resolve things informally whenever possible. When we receive your complaint we will acknowledge in three working days.
- 8.32 Your complaint will be directed to the manager responsible for the service you are complaining about and they have 15 working days to respond to your concerns.
- 8.33 If they need more information from you, we will contact you to get a clearer understanding of your concerns. They will provide a full response and explain any changes which may result from your complaint. It will also tell you how to take the matter further if you are not happy with our response.
- 8.34 **Stage 2:** if you are unhappy after you have received the full response at stage 1, please tell us straight away.
- 8.35 We will acknowledge this within three working days and the complaint will be directed to someone senior to the officer who responded at stage 1. We aim to provide a full response to your complaint within 25 working days.
- 8.36 If you are still not happy with our response, you can then complain to the [Local Government Ombudsman](#)

## Mental Capacity Act (2005)

- 8.37 In accordance with the act, where an applicant lacks the mental capacity to complete the relevant application forms, and this is evidenced on a mental capacity assessment form, there may be circumstances where the council is able to continue in their best interest, without them being a signatory to the application.

## Luton Council's responsibilities

- 8.38 Luton Council is committed to delivering the best quality service and striving for continuous improvement. The responsibilities of the council, in respect of delivering the policy are as follows:
- 8.39 The Adaptations team within the Housing service will be responsible for administering the policy and an officer within the team will be assigned to take the applicant through the process. The adaptations team manager will have oversight of this process;
- 8.40 The head of private sector housing, and where appropriate the service director for Housing as part of HSMT (Housing Services Management team), will only be involved in respect of appeals, complaints and requests for exemptions/requests falling outside of the policy.



## 9 Equality and diversity

9.1 Luton Council is committed to equality and diversity and promoting the duties under the Equality Act (2010).

This policy will ensure that applicants and recipients of the assistance are treated fairly and respectfully with respect of the duties under the act and the protected characteristics of:

- age
- disability
- gender
- reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion
- sex
- sexual orientation

9.2 As part of the policy development process, this policy will be subject to an Integrated Impact assessment (IIA) and will be subject to feedback through the public consultation which will inform executive on the equality implications prior to adoption.

## 10 Data protection

- 10.1 We are committed to protecting your privacy when you use our services and all data will be held in accordance with the GDPR rules.
- 10.2 In order to progress an application, it may be necessary to share information provided to the Adaptations team, with colleagues internally within the council that may assist with the process. As an example, this could include the council's Foster Care team and also with the council's occupational therapists (OTs), as well as Planning and Building Control.
- 10.3 We will not pass identifiable information we receive onto anyone outside the council without the written consent of the applicant.
- 10.4 The council is committed to protecting public funds and therefore, it may be necessary to use data provided for the prevention and detection of crime, which may include sharing the data with other bodies who are responsible for administering grants.

## 11 Monitoring and reporting arrangements

- 11.1 The success of this policy is monitored through key performance indicators that are reviewed on a quarterly basis by HSMT in partnership with the council's Performance team within the Business Intelligence function, who are responsible for analysis and reporting the latest data in relation to the policy.
- 11.2 Monitoring the success of the policy is also done through satisfaction surveys that are sent out to recipients of the assistance. The survey helps the Adaptations team to understand how the process worked for the client and opportunities for improvement and also the impact the assistance had on the quality of life of the person.

## 12 Evaluation and review

- 12.1 The council will commit to reviewing the policy for opportunities to update the policy, every four years. The review will consider the qualitative data received through the satisfaction surveys to evaluate the successes and opportunities for amendment of the policy.
- 12.2 The council may at any time review the schedule at Appendix 1 in regard to maximum amounts for assistance, to reflect local cost changes.
- 12.3 The council may at any time review the qualifying criteria including the income qualifications outlined in Appendix 2.
- 12.4 The policy will also be updated, if necessary, in line with changing national and local priorities and policies that impact funding arrangements

## 13 Disabled facilities grants (mandatory)

13.1 Disabled Facilities Grants (DFGs) are a mandatory form of housing assistance and are carried out under the provisions of the Housing Grants, Construction & Regeneration Act 1996 (as amended).

They are awarded to individuals who are identified, by the Occupational Therapist, as needing adaptations to help them retain their independence. DFGs are available to assist a disabled person in gaining access to and from, and in and around their dwelling.

They are subject to a test of financial resources (which is strictly controlled by government legislation) and are limited to a maximum amount, imposed by central government. The limit changes from time to time and is currently £30,000 per application. Subject to all other qualifying criteria, being met, the council must approve a mandatory DFG

13.2 Disabled Facilities Grants (DFGs). The property must be in a condition such that it is capable of supporting a reasonable and practical adaptation.

13.3 Equipment and adaptations costing less than £1,000 will normally be provided free of charge by the occupational therapists (OTs). Adaptations costing more than £1,000 will be provided through disabled facilities grant.

13.4 DFGs are available to owner/occupiers and private sector tenants, (including tenants of housing associations). Applications for disabled facilities grants are made by the disabled person, or if the disabled person is aged under 18 years of age, by the parent or legal guardian.

13.5 If the council is funding personal care services for the disabled applicant, adaptations will aim to reduce the ongoing revenue cost by enabling the person to attain or regain more independence in daily living.

### The scheme

13.6 Applications for the proposed scheme must be supported by a referral from an occupational therapist and enquiries arising without such support will be referred back to the Referral Management team to arrange an assessment.

The occupational therapy team make their assessment and referral with reference to certain eligibility criteria, which are available in a separate document.

13.7 The occupational therapists work in collaboration with the Adaptations team to decide and agree upon the adaptation works.

The OT must determine what is necessary and appropriate for the disabled person to meet their eligible assessed needs and the private sector housing officer must consider what is reasonable and practical given any structural, planning and other restraints.

The most cost-effective solution is recommended and the OT and surveyor are required to differentiate between the 'needs' and 'wants' of the service user.

### Eligible works

13.8 Facilitating access by the disabled occupant to:

- and from the dwelling, or the building in which the dwelling, or as the case may be, flat is situated
- a room used or usable as the principal room

- or providing for the disabled occupant, a room used or usable for sleeping
- or providing for the disabled occupant, a room in which there is a lavatory, or facilitating the use by the disabled occupant of such a facility
- or providing for the disabled occupant, a room in which there is a bath or shower (or both), or facilitating the use by the disabled occupant of such a facility
- or providing for the disabled occupant, a room in which there is a wash hand basin, or facilitating the use by the disabled occupant of such a facility
- and from a garden or making access to a garden safe for a disabled occupant

13.9 In considering applications for grant towards such works, the presumption is:

- that the occupant should have reasonable access into his home, to the main habitable rooms within the home – namely the living room and bedroom, and to a bathroom or shower room in which there are suitable facilities for washing and/or showering
- making the dwelling or building safe for the disabled occupant and other persons residing with them
- improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet their needs

13.10 Facilitating

- the preparation and cooking of food by the disabled occupant
- the use by the disabled occupant of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control
- access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care

13.11 Wherever possible, and to ensure that public money is properly spent the council will be seeking to carry out the most cost-effective adaptation to the property which adequately meets an applicant's assessed needs.

Usually this means that an adaptation is carried out within the existing structure of a dwelling and the council will not consider offering an extension to a property without first exhausting all other alternatives.

13.12 In order to ensure use the limited funds available as effectively as possible, the council will always consider adaptations in the following order:

- the installation of a stair lift (or through lift where appropriate) giving access to the whole of the property
- the installation of a stair lift (or through lift where appropriate), together with adaptations to the existing first floor bathroom
- the provision of a shower/WC cubicle on the ground floor with the disabled person sleeping in one of the existing ground floor rooms
- the provision of an extension to provide washing/toilet facilities on the ground floor with the disabled person sleeping in one of the existing ground floor rooms

- the provision of an extension to provide a bedroom and washing/toilet facilities on the ground floor

13.13 The council will consider if each option, in turn, will meet the assessed needs of the disabled person, and only then will consider the next option.

13.14 All adaptations will be agreed between the applicant, the adaptations officer and the occupational therapist.

13.15 Government circular advice states that ‘the provision of a room usable for sleeping

**...should only be undertaken if the housing authority are satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or access to that room is unsuitable in the particular circumstances’.**

If a property has more than one reception room (or a room of sufficient size to be divided), we will endeavour to convert this room to provide any facilities considered necessary and appropriate.

13.16 Overcrowding is not taken into account when determining the most appropriate scheme. Major adaptations, for example additional rooms, will not be provided on the basis that the property is overcrowded.

13.17 Larger adaptations and, extensions in particular, will need to have full architectural plans drawn up and the proposed scheme submitted to the Planning and Building Control sections of the council for consent in addition to the disabled facilities grant process.

13.18 Where the costs of an adaptation scheme exceeds the maximum limit of £30,000, the council has discretion to award additional funds and Executive Committee determined at minute EX/226/07 (as amended by minute EX/66/08) that any monies paid above the mandatory limit are subject to an interest-free charge on the property and become repayable, in full to the council in the event of a change of ownership or breach of occupation conditions. In no case would a client’s property be at risk of re-possession, as a result of this charge.

13.19 Where it is not possible to adapt a property or if there are likely to be excessive costs in adapting a property the council will consider offering owner occupiers a relocation loan.

## Alternative schemes

13.20 The council understands that sometimes a service user may wish to have a scheme designed which goes over and above the approved eligible scheme (ie the scheme recommended by the adaptations surveyor and occupational therapist), the council may allow this however in practice this can be quite complicated.

Any proposed scheme must be approved by the occupational therapist, the adaptations officer and Luton Council’s Planning and Building Control sections and you should contact the council for further advice.

13.21 Please note that any work commenced prior to the receipt of the grant approval document will not attract grant-aid, except where there is a serious risk to health and safety, with adaptations manager approval, in line with 8.28.1 of this policy.

## Test of resources

- 13.22 Disabled facilities grants are subject to a test of the applicant's resources – the test of resources or 'means test', which determines their ability to contribute towards the cost of the works.
- 13.23 The actual calculation is determined by central government regulations and the council have no discretion to vary the amount determined by the test.
- 13.24 The test is very complicated and compares an individual's (together with their partner) income with their outgoings and arrives at an amount that they must contribute to the proposed works.
- The test takes into account individual circumstances by making allowances for age, number of children and disability etc, but does not take into account a person's mortgage.
- In line with guidance issued in March 2022, the employment income of individuals with neurological degenerative conditions such as Motor Neurone Disease, as set out in Appendix 4, and their partners, will be disregarded in the test of resources.
- 13.25 The figure arrived at, is not meant to represent the amount of money an applicant has at their disposal – it is the amount of loan that an applicant could afford to take out to finance the works.
- 13.26 In order to protect public funds the council will calculate how much it thinks the cost of the works should be (the eligible expense) and will award a grant amounting to the eligible expense less any contribution from the applicant determined through the test of resources.
- In some cases, where the council cannot agree with the cost of a builder's estimate for the works, applicants will incur costs in addition to any determined by the test of resources.
- 13.27 The following applicants are 'passported' through the test of resources and are deemed to make no contribution towards the cost of the works:
- applicants in receipt of Income Support, Income-based job-seekers allowance Income-based Employment & Support Allowance (not contribution-based ESA) Housing benefit or Universal Credit
  - applicants in receipt of Working Tax Credit and with an annual gross household income of less than £15,050 per year (as stated in the Tax Credit Award letter – TC602)
  - applicants in receipt of Child Tax credit and with a household income of less than £15,050 per year (as stated in the Tax Credit Award letter – TC602)
  - applicants in receipt of Pension Guarantee Credit (not Pension Savings Credit) or applicants making an application where the works are for the benefit of a disabled child.
- \* The qualifying income levels vary from time to time, and are updated at Appendix 2 to this policy.
- 13.28 Applicants are required to undergo an informal test of resources to give them an idea of their likely contribution towards the work, at an early stage of the process the informal test is not undertaken in as much detail as the formal test which is carried out detail during the application process and the figures given at the informal test may vary from those determined by the formal test.



## Carrying out the work

- 13.29 Due to the complex nature of adaptations for disabled people the council has decided that all disabled facilities grants must be either supervised through the council's agency scheme or by a nominated architect.

## Maintenance

- 13.30 Equipment installed under a disabled facilities grant (or minor adaptations grant – see above) becomes the property of the grant applicant and, as such, it is the applicant's responsibility to pay for servicing and maintenance, although the council includes within the cost of a disabled facilities grant, a five-year servicing and maintenance contract for specialist equipment such as stair lifts, through lifts and hoists.

Thereafter, the council recommends that equipment is serviced at intervals prescribed by the manufacturer and there are a number of private companies able to undertake this work although the installer of the equipment is usually also able to make such arrangements.

The council will continue to service and maintain specialist equipment (e.g. stair lift, ceiling-track hoist etc. but not showers) installed under a disabled facilities grant where the disabled person, parent or guardian, is in receipt of income – related benefits.

## DFG Repayments

- 13.31 Applicants for disabled facilities grant must sign a declaration of intent to occupy the property as their sole or main residence for a period of 5 years from the certified date of completion of the works. If the undertaking is breached the council can recover the grant, together with compound interest from the date of demand

- 13.32 In addition to the above, the council adopted, at minute EX/34/09, The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 which allows the council to register as Land Charges any DFGs costing over £5,000 and limiting the charge to £10,000.

This amount is required to be repaid if the property is sold within 10 years of the certified date, which is the date on which the council is satisfied that all the required works have been satisfactorily completed. The recipient of the assistance may pay the loan back in full at any time with no penalty applied.

- 13.33 If/when a person gets an insurance or compensation pay out e.g. As a result of car accident, the council will pursue repayment of a Disabled Facilities Grant.

For further information please refer to the [Housing Grants Construction and Regeneration act 1996 part 1 Chapter 1 51](#)

## 14 Priority 1A - Relocation loan (discretionary)

### What is this assistance?

14.1 This assistance is to be used to cover the costs of relocating a household to a more suitable property within Luton to meet their needs.

This assistance can be used to ensure disabled individuals that are eligible for DFGs can access their DFG by relocating to a more suitable property that can accommodate the appropriate adaptation, which could also include moving in with family.

The assistance can also be used to support Luton Council foster carers who move to accommodate fostering, subject to an agreement to foster, included at Appendix 3.

Eligible applicants will be able to claim assistance that will cover 100% of the costs up to a maximum amount of £10,000 and be subject to an interest-free charge on the property and become repayable, in full to the council in the event of a change of ownership or breach of occupation conditions. In no case would a client's property be at risk of re-possession, as a result of this charge.

14.2 Examples of costs covered by relocation assistance include, but are not limited to:

- estate agent fees
- legal fees
- ancillary fees
- Luton agency Fee
- stamp duty
- utility supply connection costs
- mortgage arrangement fees
- removal costs
- moving costs

### Are you eligible?

14.3 You are eligible for relocation assistance if one of the following applies to you:

#### **Eligibility A**

Eligible for a DFG and the property that you currently live in is not suitable because it is not reasonable and practicable to adapt the property or the cost of adapting the existing property exceeds the cost of adapting and providing relocation assistance for the new property. To be eligible you must be referred for this assistance by an OT and must have occupied the dwelling for the same tenure for at least 12 months.

#### **Eligibility B**

Your current property is too small to enable the household to provide foster care to children or to enable an agreed adoption and the loft conversion and home extension assistance is not appropriate because your accommodation does not practically accommodate these changes, so you therefore need to relocate to upsize your property.

- 14.4 To meet eligibility requirements, applicants must be on a low net annual household income, as defined in our minimum Income standard set out in Appendix 2, or be in receipt of one, or more, of the following income-related benefits:
- Income Support, Income-based job-seekers allowance; Income-based Employment & Support Allowance (not contribution-based ESA); Housing benefit or Universal Credit; and with a net household income below the eligibility set out in Appendix 2
  - Working Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
  - Child Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2
  - Pension Guarantee Credit (not Pension Savings Credit) and with a net household income below the eligibility set out in Appendix 2

Or you are making an application where the move is for the benefit of a disabled child.

\* Qualifying income levels change from time to time, as outlined in Appendix 2. The council will commit to review applications in line with the most up to date income level.

## What are the terms and conditions of the assistance?

- 14.5 The applicant is responsible for identifying the new property; which must already meet the Decent Homes Standard and must be capable of meeting the requirements of the applicant. The council will determine whether the existing property is unsuitable and whether the proposed property is suitable.
- 14.6 The new property must be within the Luton catchment area for Council Tax. Moves outside of the borough may be facilitated at the discretion of the service director for housing.
- 14.7 A mortgage charge will be placed on the current property with a small annual contribution towards the loan amount which will be deducted from the total owed. The loan will be repayable in full to the council in the event of a change in ownership/ tenure or a breach of the terms and conditions.
- 14.8 Luton Council's Foster Care team must provide a referral for eligibility B, before any assistance is provided. The loan for eligibility B will be subject to an agreement with Luton Council Children's Services, and be repayable to the council in full in the event that the household ceases to be an approved foster carer(s) under the terms of that agreement.
- 14.9 If on the sale of the applicant's current property, a surplus is generated on the purchase cost, this must be applied to the relocation expenses, before any relocation assistance is used.
- 14.10 The new property is to be the only or main home of the applicant.
- 14.11 The application must proceed through the council's in-house agency scheme

## 15 Priority 1B – Minor adaptations grant (discretionary)

### What is this assistance?

15.1 This assistance is used to fast track people who require minor adaptations through the DFG process.

It will improve the lives of disabled residents by ensuring that, where possible, people can have access to financial support to deliver the adaptations required to meet their needs as soon as realistically possible; reducing the risk of requiring acute care, for example, due to falls. This grant is available to people who are assessed as in need of a DFG of up to £5,000.

Therefore, the maximum grant that can be allocated under this assistance is £5,000 and will be used to cover 100% of the works and agency fees and supporting documentation etc.

With the exception of the test of resources to enable a faster process, this assistance will provide the same service as the statutory DFG. If you do not qualify for this grant, you may still have your adaptations carried out under the DFG, if you meet the eligibility criteria of the DFG.

15.2 Examples of minor, less complicated adaptations which would usually be eligible works under this grant include, but are not limited to:

- straight stairlift
- hoist
- ramp
- door widening

### Are you eligible?

15.3 You are eligible for a minor adaptations grant if the following applies to you:

- you meet the eligibility criteria for the DFG
- you have had a referral to this grant from an OT
- the works (including fees and supporting documentation etc) that you require has been assessed as costing up to £5,000

15.4 To meet eligibility requirements, applicants must be on a low net annual household income, as defined in our minimum income standard set out in Appendix 2, or be in receipt of one, or more, of the following income-related benefits:

- Income Support, Income-based job-seekers allowance; Income-based Employment & Support Allowance (not contribution-based ESA); Housing benefit or Universal Credit; and with a net household income below the eligibility set out in Appendix 2
- Working Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2
- Child Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2

- Pension Guarantee Credit (not Pension Savings Credit) and with a net household income below the eligibility set out in Appendix 2

Or you are making an application where the move is for the benefit of a disabled child.

Households who have already completed a means test for DFG and found to be on a passporting benefit will be automatically eligible for this support.

\* Qualifying income levels change from time to time, as outlined in Appendix 2. The council will commit to review applications in line with the most up to date income level.

## What are the terms and conditions of the assistance?

- 15.5 Please refer to the section 'General Terms and Conditions' and the section 'Priority 1 - Disabled Facilities Grants (Mandatory)'.
- 15.6 The works must proceed through the council's in-house agency scheme.

## 16 Priority 1C – Discretionary disabled facilities assistance

### What is the assistance?

- 16.1 This grant is used to deliver specified works that are not funded by statutory DFGs. It will ensure that disabled residents do not miss out on receiving vital support for adaptations that will support independent living. This assistance will cover 100% of the costs up to a maximum of £30,000.

### Are you eligible?

- 16.2 You are eligible for the Discretionary DFG Assistance if one of the following applies to you:

#### **Eligibility A**

To facilitate discharge from, or to prevent future admission to the hospital or a residential care home, by improving the living conditions of the home to make it safe for you to live in so you can remain in, or return to your home.

You must be referred to this assistance by a health and social care professional at Luton Council. In the opinion of the council, the works must be deemed urgent to directly prevent hospital or residential care or to mitigate further delay of hospital release.

This assistance will follow the same process as the statutory DFGs. Adaptations equivalent to what is received under a statutory DFG will be assessed and provided as discretionary for this assistance.

The types of measures and improvements will not be prescriptive, but will be considered on a case by case basis and will include (although will not be limited to) non-structural matters, remedy of hazards, clearance of hoarded goods and heating and insulation, as well as adaptation works.

#### **Eligibility B**

You require repair work to existing adaptations that are already in the property. The adaptation has a defect and is preventing it to be used for the purpose it was designed and built.

This could be as a result of wear and tear, or due to a fault in the design and/or build. The adaptation must have been provided under the DFG scheme.

#### **Eligibility C**

As a recipient of the DFG, you need to be temporarily rehoused for the duration of the works.

This assistance should be used when, due to the nature of the property, the applicant is unable to stay in the property or the works will have a detrimental impact on the applicants health. Assistance will cover the cost of relocating and accommodation costs.

- 16.3 To meet eligibility requirements, applicants must be on a low net annual household income, as defined in our Minimum Income standard set out in Appendix 2, or be in receipt of one, or more, of the following income-related benefits:

- Income Support, Income-based job-seekers allowance; Income-based Employment & Support Allowance (not contribution-based ESA); Housing benefit or Universal Credit; and with a net household income below the eligibility set out in Appendix 2
- Working Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
- Child Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
- Pension Guarantee Credit (not Pension Savings Credit) and with a net household income below the eligibility set out in Appendix 2

Or you are making an application where the move is for the benefit of a disabled child.

Households who have already completed a means test for DFG and found to be on a passporting benefit will be automatically eligible for this support.

\* Qualifying income levels change from time to time, as outlined in Appendix 2. The council will commit to review applications in line with the most up to date income level.

## What are the terms and conditions?

- 16.4 The property being adapted must be the applicant's permanent or proposed permanent residence.
- 16.5 For assistance to be considered for eligibility A, the application must be accompanied by a referral from a suitably qualified professional eg Luton Council health and social care professional or a hospital OT, confirming that the applicants discharge is either delayed or that a placement is imminent
- 16.6 For assistance to be considered for eligibility B the adaptation must have been in place for at least five years
- 16.7 Eligibility C must consider the feasibility of moving in with family members before other temporary options are considered. Respite must be supported by a Social Services referral. Eligibility C must also be eligible for a mandatory DFG, and carrying out the works which require relocation.
- 16.8 The works must proceed through the council's in-house agency scheme

## 17 Priority 1D - Disabled facilities grant top-up (discretionary)

### What is the assistance?

- 17.1 This assistance is a grant to top-up the statutory DFG for provision of adaptations to the recipient's property where a charge cannot be placed on the property. The grant will fund 100% of the additional cost up to a maximum of £10,000.

### Are you eligible?

- 17.2 The applicant must be eligible for the statutory DFG and the value of the works must have been assessed as exceeding the DFG limit of £30,000.
- 17.3 To meet eligibility requirements, applicants must be on a low net annual household income, as defined in our Minimum Income standard set out in Appendix 2, or be in receipt of one, or more, of the following income-related benefits:
- Income Support, Income-based job-seekers allowance; Income-based Employment & Support Allowance (not contribution-based ESA); Housing benefit or Universal Credit; and with a net household income below the eligibility set out in Appendix 2
  - Working Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
  - Child Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
  - Pension Guarantee Credit (not Pension Savings Credit) and with a net household income below the eligibility set out in Appendix 2.

Or you are making an application where the move is for the benefit of a disabled child.

Households who have already completed a means test for DFG and found to be on a passporting benefit will be automatically eligible for this support.

\* Qualifying income levels change from time to time, as outlined in Appendix 2. The council will commit to review applications in line with the most up to date income level.

### What are the terms and conditions?

- 17.4 Works funded by the top-up must be part of the offer to meet the disabled person's needs, in line with DFG legislation.
- 17.5 The discretionary top-up will be provided as an additional amount, but will be subject to the same terms and conditions of the statutory DFG for applicants that are in receipt of the income-related benefits identified under eligibility for the statutory DFG. However, works must not start until the applicant has received approval for both the statutory DFG and the discretionary top-up grants.
- 17.6 The works must proceed through the council's in-house agency scheme



## 18 Priority 2 – Warm Homes Assistance (Discretionary)

### What is the assistance?

18.1 This assistance is to be provided alongside the contribution other grant and funding schemes such as from the energy supplier under ECO schemes, as a top-up to offset the gap between the cost of the works and the maximum contribution agreed by the energy supplier or funder.

The aim of this funding is to alleviate fuel poverty by supporting residents to have energy efficient homes to reduce the costs of their heating bills.

The grant will top-up the ECO contribution for the rest of the cost of the works up to a maximum of £10,000 and will ensure the ECO is accessible and residents do not miss out on the chance to receive this crucial financial support.

18.2 The ECO scheme provides the following works to increase energy efficiency:

- gas boiler repair or replacement
- loft insulation
- cavity wall insulation

### Are you eligible?

18.3 To be eligible to receive top-up assistance, the applicant must also be eligible for the ECO scheme, which includes being in receipt of the income-related benefits specified by the supplier.

18.4 The applicant must also have already received confirmation from the energy supplier or grant provider of the amount of contribution that they are willing to provide towards the cost of the works. The contribution agreed by the supplier/provider must be less than the the total cost of the works.

### What are the terms and conditons?

18.5 The applicant must comply with the terms and conditions set out by the energy supplier under the ECO scheme.

18.6 The applicant must have lived in the property that is being improved for at least 12 consecutive months as their only residence at the date of the application and remain in residence for 12 months following works.

18.7 The works may replicate the existing heating system in the property or update it (for example a switch to a combi-boiler).

18.8 Assistance will generally be provided in the form of a loan which will be registered as a charge on the property.

Where repayment is specified in the assistance-specific terms and conditions, the applicant will be required to agree to a mortgage charge being registered against the property, and a small annual payment, which will be deducted from the outstanding debt.

This charge will not be removed until the repayment conditions are met in full. The recipient of the assistance may pay the loan back in full at any time with no penalty applied.

- 18.9 Whilst it may be possible to expand on any works deemed necessary and appropriate by Luton Council it must be noted that any works carried out in addition to those specified/approved by Luton Council must be wholly funded by the applicant.
- 18.10 Repayments may be inflation linked, at zero or nominal interest and all amounts paid annually will be deducted from the total amount owing.
- 18.11 Where the applicant fails to make the necessary arrangements, the council will seek to recover the money through the courts to enforce the charge and secure payment and the court may order the sale of the property.
- 18.12 At the discretion of the service director, Housing, assistance can be provided in the form of a grant. This will usually be for minimal sums under £2,000 or where other special circumstances exist.

## 19 Priority 3 – Loft conversion and home extension loan (discretionary)

### What is the assistance?

19.1 This assistance will convert the loft or provide a ground floor extension to the property to provide an additional bedroom and, if necessary, will include the provision of additional bathing facilities to accommodate the people living in that property.

The aim of the assistance is to alleviate overcrowding by helping people to stay in their homes and enable people to acquire the right size of accommodation to provide foster care. Assistance will be provided to fund the works up to a maximum of £40,000. All assistance provided will be subject to a charge being placed on the property.

### Are you eligible?

19.2 You are eligible for this assistance if one of the following applies to you:

#### **Eligibility A**

You live in an overcrowded household, as per the legal bedroom standard, and the addition of one more bedrooms will remedy this.

#### **Eligibility B**

Your property is too small to enable the household to become a Luton Council foster carer to children, or to facilitate an adoption. One or two additional bedrooms will provide enough bedrooms for the household to foster a child.

19.3 For eligibility A, the house must be 30 years old or more, and you must have lived in the home for three consecutive years or more immediately preceding the date of the application.

19.4 You must be an owner-occupier.

19.5 To meet eligibility requirements, applicants must be on a low net annual household income, as defined in our minimum income standard set out in Appendix 2, or be in receipt of one, or more, of the following income-related benefits:

- Income Support, Income-based job-seekers allowance; Income-based Employment & Support Allowance (not contribution-based ESA); Housing benefit or Universal Credit; and with a net household income below the eligibility set out in Appendix 2
- Working Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2
- Child Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2
- Pension Guarantee Credit (not Pension Savings Credit) and with a net household income below the eligibility set out in Appendix 2

\* Qualifying income levels change from time to time, as outlined in Appendix 2. The council will commit to review applications in line with the most up to date income level.

## What are the terms and conditions?

- 19.6 The works must proceed through the council's in-house agency scheme
- 19.7 All assistance provided will be subject to a mortgage charge being placed on the property, and a small annual payment, which will be deducted from the outstanding debt. This charge will not be removed until the repayment conditions are met in full.
- The loan will be repayable in full to the council in the event of a change in ownership/tenure or a breach of the terms and conditions. The recipient of the assistance may pay the loan back in full at any time with no penalty applied.
- 19.8 Repayments may be inflation linked, at zero or nominal interest and all amounts paid annually will be deducted from the total amount owing.
- 19.9 Where the applicant fails to make the necessary arrangements, the council will seek to recover the money through the courts to enforce the charge and secure payment and the court may order the sale of the property.
- 19.10 Whilst it may be possible to expand on any works deemed necessary and appropriate by Luton Council it must be noted that any works carried out in addition to those specified by Luton Council must be wholly funded by the applicant.
- 19.11 The property must meet the Decent Homes Standard prior to the application being made for loft conversion and extension assistance.
- 19.12 The subject property must be the sole main residence of the applicant.
- 19.13 The loan for eligibility B will also be repayable to the council in full in the event that the household ceases to be an approved foster carer(s) for Luton Council, under the terms of the agreement with Luton Council Children's Service.
- 19.14 This assistance can only be used to add one additional bedroom for eligibility A or up to two bedrooms for Eligibility B, together with an additional bathing facilities if deemed necessary by the council
- 19.15 The council will make the decision as to whether a loft conversion or a home extension will be provided, if the property has the capability for either of the two.
- 19.16 Luton Council's Foster Care team must provide a referral for eligibility B, before any assistance is provided. Applicants will be expected to agree to a fostering agreement as show in Appendix 3.
- 19.17 On completion of the works, the property must be no longer overcrowded and must have sufficient amenities for the number of occupants. For example, the ratio for toilet/ bathroom to the number of occupants is 1 bathroom for every 5 occupants.
- 19.18 The council must agree the proposed scheme prior to the applicant seeking planning permission, Building Control approval and approval from utility companies.

## 20 Priority 4 – Empty homes assistance (discretionary)

### What is the assistance?

- 20.1 Empty homes assistance will be provided to residents with an owners interest in the empty property to deliver the necessary works to bring the property up to the Decent Homes Standard.

The aim of the policy is to bring long term vacant properties back into use for residential purposes to increase the local supply of decent homes and support the delivery of the council's ambition of providing good quality homes and places in Luton. The loan will usually provide assistance for 50% of the works but can provide up to 100% of the works up to £40,000.

### Are you eligible?

- 20.2 To be eligible for this assistance, you must either have a freehold on the property, or have a leasehold with at least 10 years remaining on the dwelling.
- 20.3 The property must have been vacant for at least 12 consecutive months at the time of the application.
- 20.4 The owner must give lease the property to the council or its nominee for a period of five consecutive years after the works have been completed. Rental income will be used to repay the loan, and a charge will be registered on the property which will reduce as the loan is repaid. In the event of the property being sold, the loan will be repaid in full.

### Funding

- 20.5 Works will attract assistance and may be jointly and equally funded by the applicant and the council up to a maximum council contribution of £40,000. Applicants unable to afford their contribution can elect to have the works fully funded.

Loans that may be uplifted by inflation or interest charges will be recovered through rental income. A charge will be registered on the property. If the home is sold the full value of the loan will be repaid.

### What are the terms and conditons?

- 20.6 On completion of the works, the property must meet the Decent Homes Standard and be in a lettable condition.
- 20.7 On completion, the owner of the property must sign an agreement to make the property available for letting for a period of 5 years to households on the housing register, nominated by the council. The property may be let for rent at no more than Local Housing Allowance (LHA) levels.
- 20.8 The council will determine the level of works required to bring the property up to the Decent Homes Standard. The proposed scheme must be authorised by the empty homes officer.
- 20.9 Whilst it may be possible to expand on any works deemed necessary and appropriate by Luton Council it must be noted that any works carried out in addition to those specified by Luton Council must be wholly funded by the applicant.

- 20.10 A charge will be placed on the property and should the owner of the property sell or transfer the home or breach the terms and conditions, full repayment of the assistance will be required.
- 20.11 Should we receive more applications than available funding for this assistance, the council will prioritise larger, family-sized accommodation (ie 2 bed 4 person dwellings and above).
- 20.12 The property must be let to a single family household or as self-contained flats/maisonettes with no shared facilities. Studio flats will only be accepted if there are no reasonable alternatives having regard to the structure and layout of the property.
- 20.13 The property must meet nationally described space standards on completion. If the property does not meet NDSS, the property will not be considered to be at a lettable standard and the cost of redesign and build works to remedy this will need to be factored into the assistance provided.
- 20.14 After completion of the works, the property must be kept in good repair and maintenance to prevent the property from falling below the Decent Homes Standard and to meet building safety compliance requirements such as gas and electrical checks. The owner remains responsible for the building safety compliance.
- 20.15 Only one empty homes assistance will be paid per property.

## 21 Priority 5 – Decent homes loan (discretionary)

### What is the assistance?

21.1 This assistance will be provided in the form of a loan and will enable residents to invest in the necessary repair works to bring their home up to the Decent Homes Standard. Loan assistance will be provided to fund the works up to a maximum of £40,000. The aim of this assistance is to provide good quality homes and places and to support the health and wellbeing of residents.

### Are you eligible?

21.2 To meet the eligibility requirements, the applicant's house must be 30 years old or more and the applicant must be an owner-occupier, who has owned and lived in the home for three consecutive years or more immediately preceding the date of the application.

21.3 To meet eligibility requirements, applicants must be on a low net annual household income, as defined in our minimum income standard set out in Appendix 2, or be in receipt of one, or more, of the following income-related benefits:

- Income Support, Income-based job-seekers allowance; Income-based Employment & Support Allowance (not contribution-based ESA); Housing benefit or Universal Credit; and with a net household income below the eligibility set out in Appendix 2
- Working Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
- Child Tax Credit/Universal Credit (as stated in the Tax Credit Award letter – TC602)\* and with a net household income below the eligibility set out in Appendix 2;
- Pension Guarantee Credit (not Pension Savings Credit) and with a net household income below the eligibility set out in Appendix 2.

\* Qualifying income levels change from time to time, as outlined in Appendix 2. The council will commit to review applications in line with the most up to date income level.

### What are the terms and conditions?

21.4 The works must proceed through the council's in-house agency scheme

21.5 All assistance provided will be subject to a mortgage charge being placed on the property, and a small annual payment, which will be deducted from the outstanding debt. This charge will not be removed until the repayment conditions are met in full.

The loan will be repayable in full to the council in the event of a change in ownership/tenure or a breach of the terms and conditions. The recipient of the assistance may pay the loan back in full at any time with no penalty applied.

21.6 Repayments may be inflation linked, at zero or nominal interest and all amounts paid annually will be deducted from the total amount owing.

21.7 Where the applicant fails to make the necessary arrangements, the council will seek to recover the money through the courts to enforce the charge and secure payment and the court may order the sale of the property.

21.8 Whilst it may be possible to expand on any works deemed necessary and appropriate by Luton Council it must be noted that any works carried out in addition to those specified by Luton Council must be wholly funded by the applicant.

- 21.9 On completion of the works, the property must meet the Decent Homes Standard.
- 21.10 The property receiving repair works must be the sole main residence of the applicant.
- 21.11 The council will determine the level of works required to bring the property up to the Decent Homes Standard.
- 21.12 After completion of the works, the property must be kept in good repair and maintenance to prevent the property from falling below the Decent Homes Standard. No further assistance will be provided on a property within 5 years of a previous loan.



## 22 Contact details

22.1 If you would like to get in touch to make an enquiry about the policy, you can contact the Adaptations team at [PSecHousing@luton.gov.uk](mailto:PSecHousing@luton.gov.uk) or alternatively get in touch via the contact details below:

22.2 **Adaptations team, Housing department**

4th Floor Town Hall Extension, Luton, LU1 2BQ

Tel: 01582 547222

22.3 The key officers involved in administering the policy are as follows:

- Peter Devine (Adaptations Manager)
- Barbara Groom (Technical Support Officer)
- Nazakat Ali (Head of Housing Needs)
- Bernadette Oliver (Social Letting Manager – Luton Lets Squared)
- Fiona Egan (Empty Homes Officer)
- Shabir Hussain (Domestic Energy Efficiency Manager)