

## Appendix 2:

# **City of Wolverhampton Council**

## **Private Sector Housing Assistance Policy**

### **1.0 Introduction**

1.1 The Private Sector Housing Assistance Policy (the Policy) details the financial assistance available from the Council to qualifying home owners, private tenants, and tenants of Registered Providers (housing associations) to improve their living conditions and enable independent living. It consolidates measures introduced over a long period of time as well as introduces new assistance to cover a wide range of situations.

1.2 The Policy sits alongside the Council's Housing Strategy 2019-2024 which sets out the Council's plans for housing in the city which in turn is driven by the City of Wolverhampton Council Plan. The goal of the Council Plan is to 'work together to be a city of opportunity' and has six strategic outcomes:

- Children and young people get the best possible start in life
- Well skilled people working in an inclusive economy
- More good jobs and investment in our city
- Better homes for all
- Strong, resilient and healthy communities
- A vibrant, green city we can all be proud of

1.3 The Housing Strategy sets out how the Council Plan priority 'Better Homes for All' will be achieved and identifies three priorities for action:

- More and better homes
- Safe and healthy homes
- Access to a secure home

The assistance provided through this policy contributes specifically to 'safe and healthy homes' and 'access to a secure home'.

### **2.0 Statutory Context**

- 2.1 Council powers to provide financial assistance for home repairs and adaptations are governed by:
- 2.2 **Housing Grants, Construction and Regeneration Act 1996** – the remaining relevant parts of this Act provide the basis for the provision of Disabled Facilities Grants (DFG), which are financial grants to help with the cost of adapting a property to meet the needs of a disabled occupant.
- 2.3 It is mandatory for assistance to be provided to those that are eligible.
- 2.4 **Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO)** - provides local authorities with the discretion to provide assistance for the purpose of improving living conditions so homes are safe to live in. This includes the use of DFG funding to support strategic priorities which integrate health, wellbeing and housing, for the benefit of local people.
- 2.5 In order to use the powers provided in the RRO the Council must adopt a policy for the provision of the assistance. The Policy complies with that requirement.
- 2.6 The award of any financial assistance under the Policy through the powers provided by the RRO are subject to the availability of funding, with financial assistance provided at the discretion of the Council. Schemes may be withdrawn at any time and without notice.
- 2.7 **Housing Act 2004** - The Housing Act 2004 sets out that a Council shall take action where it finds serious hazards to remove or reduce the risk of harm as identified by the Housing, Health and Safety Rating System.
- 2.8 It is the Council's expectation that homeowners will maintain their own property so that it remains safe, but accepts that some homeowners, particularly the elderly and most vulnerable, may not have the necessary resources to do so. In certain circumstances the Council will offer advice and/or assist homeowners to do so.
- 2.9 **Better Care Fund** – The Better Care Fund Planning Requirements sets out the detailed requirements to local areas on developing and implementing Better Care Fund plans. It encourages the use of DFG funding in addition to the provision of the mandatory DFG, to support assistance that improves integration of housing, social care and health services, with the aims of achieving a preventative approach to care, reducing hospital admissions, improving hospital discharge and reducing inequalities. This should have the effect of

improving the health and wellbeing of assisted householders and achieving savings overall.

- 2.10 These objectives have been translated into the local Wolverhampton Better Care Fund Narrative Plan, which recognises the role that housing plays in people's health and wellbeing, and the contribution that can be made by helping people to maintain and adapt their homes, in reducing hospital discharge times, preventing admission/re-admission (particularly from falls), and helping to reduce/delay expensive care packages.
- 2.11 During the lifetime of this policy, it is the intention of the Council to establish a Home improvement Agency. The Home Improvement Agency will be set up and run by the Council's arm's length management organisation, Wolverhampton Homes who deliver the assistance covered by this policy. A tenure neutral service, the Home Improvement Agency will provide and coordinate advice, support and assistance to people living in the city to ensure that their home supports their on-going needs and reduces, prevents or delays any need for social care or health interventions wherever practical.

### **3.0 Funding**

- 3.1 As well as using its own resources, the Council receives an allocation from central government each year to help vulnerable people with adaptations and other measures to maintain their independence. Since 2015, the Council has been required to consider its housing support for vulnerable residents as part of a wider partnership with social care and health through the Better Care Fund, which pools resources to support the better integration of services.
- 3.2 Additional funding will be sought from the Energy Company Obligation where this is applicable as well as other sources that may become available.

### **4.0 Assessment and Delivery**

- 4.1 Wolverhampton Homes, Home Improvement Agency (HIA) will undertake the approval and delivery of all grants and other forms of discretionary financial assistance.
- 4.2 All grants are subject to certain eligibility criteria and other conditions – for full details of each see Appendix A for the details on the Disabled Facilities Grant and Appendix B for all other discretionary grants.

### **5.0 Applying for Assistance**

- 5.1 The route to applying for financial assistance is intended to be as simple and transparent as possible. If you think that you, or someone that you know may qualify for help, please contact Wolverhampton Homes: Telephone 01902 556789 or email via the website [www.wolverhamptonhomes.org.uk](http://www.wolverhamptonhomes.org.uk) Wolverhampton Homes will be able to advise you on the different types of assistance you may be eligible for.
- 5.2 Someone will contact you within 5 working days about your enquiry, and to guide you through the process. In all cases a completed, signed and dated application form will be required in support of any application together with confirmation of ownership of the property or permission from your landlord, and of any qualifying benefits, or other financial information as necessary.

## **6.0 Cases falling outside the policy**

- 6.1 Officers dealing with applications will endeavour to apply grant conditions flexibly and sensitively in order to support those in need of help. They will seek permission to consider unusual or 'one-off' cases and to approve applications where they fall within the spirit of this policy.
- 6.2 Cases falling outside this policy but where Wolverhampton Homes has assessed the circumstances as exceptional may be submitted to the Council for consideration with formal approval required from Cabinet in the form of an Individual Executive Decision Notice.

## **7.0 Complaints and Redress**

- 7.1 Any decision made under the Policy may be reviewed at the request of the applicant. In the first instance any complaint will be considered under the Wolverhampton Homes' complaint policy (<https://www.wolverhamptonhomes.org.uk/aboutus/contact-us/compliments-complaints-and-suggestions>). However, any unresolved complaints may be referred to City of Wolverhampton Council for further review under their complaint's procedure.
- 7.2 Cases that are directly considered by the Council are subject to the Council's complaints procedure, which can be found here. (<https://www.wolverhampton.gov.uk/customer-feedback/make-complaint>)

## **8.0 Monitoring and Review**

- 8.1 Regular monitoring of the delivery of the policy and equalities analysis will be carried out to ensure that implementation is satisfactory and continues to meet local needs including equality analysis and will be reported to the Council's Better Homes Board and/or Scrutiny Panel from time to time.
- 8.2 The contents of the policy will also be reviewed from time to time to ensure the assistance provided remains relevant and keeps abreast of any national legislative changes or best practice.
- 8.3 A full review of the policy should be undertaken no longer than five years following adoption.

## 9.0 Summary of Assistance Available

Assistance	Funding Max	Financial Eligibility	Objective
Mandatory Disabled Facilities Grant	Up to £30,000	Means Tested	To assist disabled people to remain independent in their own home
Disabled Facilities Top Up Grant	Up to £20,000	Means Tested	To speed up application processing where the DFG doesn't cover the whole of the works
Contribution Assistance Loan	Up to £10,000	Means Tested	To ensure that recommended DFG works can be carried out where the applicant is unable to afford their assessed contribution
Dual Residency Grant	Up to £30,000	Means Tested	To support parents/ carers of Adults and Children with shared care arrangements
Feasibility Grant	Up to £2,000	Means Tested	To assist with identifying the best solution to meet of the needs of the DFG
Small Adaptations Grant	Up to £8,500	Means tested between the ages of 18-64 unless parent/carer of a disabled child.	To provide a speedier process where there is a risk to health and safety due to the need for aids and adaptations within the home.
Technology Enabled Care Grant	Up to £5,000	Means tested between the ages of 18-64 unless parent of a disabled child.	To facilitate disabled people to remain living at home where a bespoke package is needed over and above existing assistive technology provision
Living Well Grant	Up to £10,000	Means Tested	To support households with a neurological disorder or/ and frailty to remain independent in their own home.
Home not Hospital Assistance	Up to £5,000	Non-Means Tested Strict criteria for referral process.	To enable hospital discharge and prevent hospital admission.
Relocation Grant	Up to £5,000	Means Tested	To assist disabled people to move more quickly where their current home is unsuitable or too costly for work to be carried out
Handy Person	Up to 4 visits per year	Means Tested between the ages of 18-64 unless parent of a disabled child.	To provide a speedy process for minor works to support independence in the home
Affordable Warmth Grant	Up to £8,000	Means Tested	To reduce fuel poverty and prevent further impact on long term health conditions enabling households to remain in their home

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<b>Assistance</b>	<b>Funding Max</b>	<b>Financial Eligibility</b>	<b>Objective</b>
Healthy Homes Assistance	Up to 10,000	Means Tested between the ages of 18-64 unless parent of a disabled child.	To offer financial support to a vulnerable household where the property is considered to pose a serious risk to the healthy and safety of occupants.
Hoarders Assistance	Up to £5,000	Free in first instance where referral made by Wolverhampton Hoarding Panel. Any future clearance may be subject to re-charge.	To provide added support where there is a multi-agency response to a household needs.
Mobile Homes and Residential House Boats	Up to £10,000	Means Tested between the ages of 18-64 unless parent of a disabled child	To provide necessary repairs and reduce fuel poverty to enable households to remain in their home.
Safe Homes Grant	Up to £5,000	Non means tested. Strict criteria for referral process.	To help victims of crime to feel safe and be able to remain in their home by carrying out any recommended improvements to the security in their home.
Stairlift Maintenance Grant	Up to £2,500	Means tested between the ages of 18-64 unless parent/carer of a disabled child.	For the repair of any installed stairlift (either through the Small Adaptation Grant or the Disabled Facilities Grant) following the expiry of the warranty period.

## Appendix A – Details of Disabled Facilities Grant

### Purpose

The main provisions governing mandatory DFGs are set out in the Housing Grants, Construction and Regeneration Act 1996. Applicants for DFG should normally be referred by a relevant occupational therapist or a relevant healthcare professional.

All large-scale proposals will be subject to a feasibility visit by an Occupational Therapist, and a Surveyor or other representative of Wolverhampton Homes. The feasibility visit will look at the disabled person's needs identified by the Occupational Therapist and establish the most suitable housing solution to meet those needs. The most cost-effective adaptation that meets the customer's needs will be recommended for grant aid. In most cases, properties can be adapted internally rather than extended.

### Amount Available

A statutory limit of £30,000 applies to any single application.

### Eligibility

The following types of work, when recommended for a disabled person are eligible for grant provided it is "necessary and appropriate" for that person, and "reasonable and practicable" having regard to the age and condition of the property:

- Making the building or dwelling safe
- Facilitating access to and from the building
- Facilitating access to or providing a bedroom
- Facilitating access to the principal family room
- Provision of a room containing a bath or shower or facilitating the use of such a facility
- Provision of a room containing a WC or facilitating the use of such a facility
- Provision of a room containing a wash hand basin or facilitating the use of such a facility
- Facilitating the preparation and cooking of food (only if used by the disabled person)
- Providing or improving a heating system
- Facilitating the use of power, light or heat by altering the same or by providing additional means of control

- Facilitating access and movement around the dwelling to enable the disabled person to provide care for another person
- Facilitating access to and from a garden or making a garden safe.

To qualify for assistance the applicant should be the homeowner or tenant, but the grant is available to adapt the home to meet the needs of any disabled person living in the property to enable them to continue living there. Landlords may also apply for a DFG on behalf of a disabled tenant but must satisfy the requirements of future occupancy. Tenants of housing associations / Registered Providers of social housing can apply for DFGs and are assessed for needs on the same basis as private owners.

### **Means Testing**

Applicants for a mandatory DFG are subject to a prescribed means test. Adaptations for disabled children are not means tested. Clients in receipt of the following income related benefits at the time the application is made, will be exempt from the means testing process

- ✓ Income support
- ✓ Income-related Jobseeker's Allowance
- ✓ Income based Employment Support Allowance
- ✓ Guaranteed Pension Credit
- ✓ Housing Benefit
- ✓ Working Tax or Child Tax Credit with income under £15,050 (subject to review)
- ✓ Universal Credit

### **Other Conditions**

The disabled person must intend to occupy the property as their only or main residence for a period of five years after the works are complete (or such shorter period as the person's health or other relevant circumstances permit).

In order to make an application the client must supply the following:

- A completed and signed application form
- Evidence of financial situation
- Evidence of ownership of the property or the right to reside at the property
- Permission for the works to be carried out

- A detailed schedule of works and plans that must be agreed by the council
- Any planning or building regulation approvals
- Prices for the work

Only the works agreed by the council will be covered by the grant. Once the grant is approved there are 12 months to complete the works. The works must be completed by the contractor stated on the approval document. No grant works should proceed until the grant application has been processed and formally approved and all relevant planning, Building Regulation or landlord approval has been obtained.

Owner occupiers may have a local land charge placed on their property on completion of the grant. If the property is sold, assigned or transferred within 10 years of the grant being completed then the grant may have to be repaid. The council will have regard to *The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grants (Conditions relating to approval or payment of Grant) General Consent 2008* when deciding whether to demand repayment. The Council may accept other forms of security to ensure repayment (where applicable).

The charge only applies where the grant is more than £5,000. Where the grant is more than £5000 only the amount over the first £5,000 is added as a charge. There is a charge limit of £10,000. The Council's policy regarding the repayment of DFG grant funding can be found at appendix C.

If the applicant has a contribution to pay, they must ensure they have the money to cover their share of the costs before the work begins on site. Unforeseen and additional costs will only be paid for where they are necessary to complete the adaptation and must be agreed by the council before they are undertaken. Any increase in the grant may have an impact on the charge placed against the property.

The contract for the works is the responsibility of the applicant. The grant will normally be paid direct to contractors in all but the most exceptional cases. No grant will be paid until a satisfactory invoice has been received and the works have been carried out to the satisfaction of the client and Council.

## Appendix B - Details of discretionary financial assistance

### Disabled Facilities Top Up Grant

A discretionary grant for those eligible for a mandatory DFG, where the cost of the work deemed to be necessary and appropriate exceeds the maximum grant payable of £30,000 can be awarded up to an additional £20,000.

#### Eligibility Criteria

- The applicant has been assessed as qualifying through the mandatory DFG route.
- The work has been identified as necessary and appropriate and the costs have been validated and confirmed as reasonable and practical through a formal tender process.

#### Conditions

- Any assessed contribution would have to be paid by the client.

### Contribution Assistance Loan

Discretionary assistance of up to £10,000 to assist those applicants for a DFG who cannot afford their assessed contribution to a means-tested DFG.

#### Eligibility Criteria

- The applicant has been assessed as qualifying through the mandatory DFG route.
- The work has been identified as necessary and appropriate and the costs have been validated and confirmed as reasonable and practical through a formal tender process.

#### Conditions

- A local land charge will be placed on the property on completion of the works. If the property is sold, assigned or transferred within 10 years of the works being completed then the loan may have to be repaid.

### Dual Residency Grant

A discretionary grant of up to £30,000 to provide adaptations in a second property where the need for adaptations in two locations has been confirmed by the Occupational Therapist or Social Worker. e.g. to support joint custody arrangements.

#### Eligibility Criteria

- The applicant must meet the qualifying criteria for the mandatory disabled facilities grant.

### **Conditions**

- The second property to be adapted should be in Wolverhampton.
- The applicant must own or rent the second property, this must be a permanent home and excludes any holiday or temporary accommodation.

### **Disabled Facilities Feasibility Grant**

A discretionary grant for those eligible for a mandatory DFG of up to £2,000 to allow for plans to be drawn up or for necessary investigations to be made to determine if a DFG proposal is reasonable and practicable.

#### **Eligibility Criteria**

- Any resident of Wolverhampton who has had recommendations made by an Occupational Therapist for necessary and appropriate works, where their mandatory means test indicates a contribution of less than £10,000
- A property is eligible if it has been determined by the Occupational Therapist or Technical Officer that plans need to be prepared or investigations carried out.

### **Conditions**

- Any architect or appropriate professional must have necessary qualifications, indemnity insurance and public liability insurance.

### **Small Adaptations Grant**

A discretionary, more flexible alternative to a DFG of up to £8,500 for the provision of certain stairlifts, modular ramps and ceiling track hoists and the routine removal of a bath and provision of wet floor shower.

#### **Eligibility Criteria**

- Lives in the City of Wolverhampton.
- Any owner occupier, private tenant, or Registered Provider tenant over 65 years of age
- Or between the ages of 18-64 years of age if on a qualifying benefit.

- Or parent/guardian of a disabled child.

### **Conditions**

- Any work will be undertaken by a HIA approved contractor.
- After expiry of the warranty period the applicant becomes responsible for any future maintenance.
- Stairlifts - If, during the warranty period, the stairlift is no longer required it will be removed (free of charge).

## **Technology Enabled Care Grant**

A discretionary grant of up to £5000 to provide technology to support the applicant over and above the existing assistive technology telecare offer.

### **Eligibility Criteria**

- Lives in the City of Wolverhampton.
- Any owner occupier, private tenant, or Registered Provider tenant over 65 years of age
- Or between the ages of 18-64 years of age if on a qualifying benefit.
- Or parent/guardian of a disabled child

### **Conditions**

- This will be a one-off payment only.
- Ongoing maintenance and potential running costs will need to be met by the applicant.
- This is for technology over and above the existing telecare offer and for works not supported by another grant.

## **Living Well Grant**

To support individuals with a frailty, dementia, neurological disorder or considerable debilitating condition to remain at home and to support carers of those people with the above diagnosis. Enabling rapid intervention to remain independent and in their own home. A discretionary grant of up to £10,000 is available.

### **Eligibility Criteria**

- Any resident of the City of Wolverhampton with a confirmed diagnosis of living with frailty.

- Any resident of the City of Wolverhampton living with a confirmed diagnosis of neurological disorder or other considerable debilitating condition.

#### **Conditions**

- A one- off payment with ongoing maintenance and potential running costs to be provided by the applicant.

### **Home not Hospital Assistance**

To support Health and Social Care with the safe discharge to home where home is the reason a discharge cannot be achieved. It will also support the prevention of unnecessary admissions to hospital. A discretionary grant of up to £5,000 is available to ensure that a patient's property is suitable for habitation following admission to hospital.

#### **Eligibility Criteria**

- Lives in the City of Wolverhampton.
- Any owner occupier, private tenant, or Registered Provider tenant over 65 years of age.
- Or between the ages of 18-64 years of age if on a qualifying benefit.
- Or parent/guardian of a disabled child.

#### **Conditions**

This will require a referral from Hospital Discharge Teams or professional agencies working to prevent a hospital admission.

### **Relocation Grant**

A discretionary grant of up to £5,000 to assist people to relocate if it is not reasonable or practicable to adapt their existing property.

#### **Eligibility Criteria**

- Available to owner occupiers and private tenants within the City of Wolverhampton.
- Applicant must be in need of adaptations that cannot be achieved at their existing property.
- The applicant must meet the qualifying criteria for the mandatory disabled facilities grant.

#### **Conditions**

- The grant will not fund the legal fees including stamp duty if there is remaining equity following the move.

- The property the applicant is moving to must be assessed by the Council or delegated officer as suitable for the needs of the disabled person.

## **Handy Person**

A visit to the property up to 4 times per year to provide a range of practical support services for older and disabled people with the aim of helping them maintain independent living.

### **Eligibility Criteria**

- Lives in the City of Wolverhampton.
- Any owner occupier, private tenant, or Registered Provider tenant over 65 years of age.
- Or between the ages of 18-64 years of age if on a qualifying benefit.
- Or parent/guardian of a disabled child.

### **Conditions**

- Work must be identified through an assessment by the HIA

## **Affordable Warmth Grant**

A grant of up to £8,000 to provide heating and/or energy efficiency measures to fuel poverty and prevent ill health due to living in cold and damp homes, enabling independent living, and reducing carbon emissions.

### **Eligibility criteria**

- Owner-occupiers and private rented tenants within the City of Wolverhampton
- The property must be the applicants only or main residence, and they must have occupied it for a minimum of 12 months prior to application.
- Assistance will not be provided if the property is being marketed for sale or if there is reasonable cause to believe the property will be sold within 3 years.
- The applicant must be in receipt of income assessed benefit as prescribed through DFG and the Household income should be calculated in line with DFG means test for contributions.
- The applicant or a member of the household must suffer from a long-term health condition that is adversely affected by living in a cold damp home including:
  - older people – 80+ (in line with higher winter fuel payments)

- households with young children (new-born to school age) – who are premature (born at 32 weeks or below and/or considered low birth weight – 2.5kg or 5.5lbs)
- other life changing or limiting illnesses including but not restricted to: cancer,- Parkinson's Disease, diabetes type 1, blindness, tuberculosis

### **Conditions**

- One grant payable per applicant.
- The costs of all work is to be repaid if the house is sold or otherwise disposed of within a three-year period from the certified date of completion of the works.
- The property should be the sole residency and the applicant must have lived in the property for 12 months prior to the application.
- Referrals to the scheme will only be accepted on private rented homes if received from an Environmental Health Officer.
- For work to private rented homes - additional conditions will apply to these properties regarding securing the tenancy following the work.

## **Healthy Homes Assistance**

Up to £10,000 for property repairs and maintenance targeted at vulnerable homeowners.

### **Eligibility Criteria**

- Lives in the City of Wolverhampton.
- Any owner occupier over 65 years of age.
- Or between the ages of 18-64 years of age if on a qualifying benefit.
- Or parent/guardian of a disabled child.

### **Conditions**

- One grant payable per applicant
- A legal charge will be placed on the property on land registry on completion of the grant. If the property is sold, assigned or transferred within 10 years of the grant being completed then the grant may have to be repaid.
- The first £500 of any assistance is not repayable.

## Hoarders Assistance

Up to £5,000 to support the corporate safeguarding response to address and support hoarding cases.

### Eligibility Criteria

- Lives in the City of Wolverhampton.
- Any owner occupier, private tenant or Registered Provider tenant.

### Conditions

- The clearance assistance offered must form part of a wider package of support being provided.
- The property must be referred through Wolverhampton Hoarding Panel.
- Any further property clearance assistance may have to be charged for dependant on the individual circumstances.

## Mobile Homes and Residential House Boats

Up to £10,000 to cover essential repairs and appropriate energy efficiency measures.

### Eligibility Criteria

- Owners of mobile homes on official recognised sites within Wolverhampton and have been the owner for a minimum of 2 years.
- Houseboats with permeant mooring in Wolverhampton for a minimum of 2 years.
- Any owner occupier over 65 years of age.
- Or between the ages of 18-64 years of age if on a qualifying benefit.
- Or parent/guardian of a disabled child.

### Conditions

- As residential houseboats and mobile homes have a limited life an assessment of the anticipated future life of the structure will be undertaken before grant assistance is approved.
- A minimum anticipated future life of 4 years is required. Owners of structures with a shorter anticipated life will receive assistance to carry out temporary or emergency repairs.

## **Stairlift Maintenance Grant**

A grant of up to £2,500 for the purposes of repairing and maintaining installed stairlifts throughout the period of their use.

### **Eligibility Criteria**

- Lives in the City of Wolverhampton.
- Any owner occupier over 65 years of age.
- Or between the ages of 18-64 years of age if on a qualifying benefit.
- Or parent/guardian of a disabled child.

### **Conditions**

- For the repair of any installed stairlift (either through the Small Adaptations Grant or the Disabled Facilities Grant) following the expiry of the warranty period of up to £2,500 on each occasion.
- The repair will be carried out by the Council's nominated contractor.
- Anyone wishing to take advantage of the scheme must pay £50 to register.

## Appendix C – Repayment of Disabled Facilities Grant

### 1) Power to reclaim Disabled Facilities Grant

The power to require repayment of certain Disabled Facilities Grants is contained within the following legislation:-

Housing Grants Construction & Regeneration Act 1996: Section 34(6)(b) and 94. Disabled Facilities Grant (Condition relating to approval or payment of grant) General Consent 2008.

#### Consent.

(1). Where:-

- a) A local authority approves an application for a grant under part 1 of the Act;
- b) The grant is for a sum exceeding £5000; and
- c) The applicant (“the recipient”) has a qualifying owners interest in the premises on which the relevant works are carried out,

The local authority may impose the conditions (or conditions to like effect) contained in paragraph (2).

(2) The local authority may demand the repayment by the recipient of such part of the grant that exceeds £5000 (but may not demand an amount that exceeds £10,000) if:-

- a) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and
- b) the local authority having considered:-
  - (i) the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant
  - (ii) whether the disposal of the premises is to enable the recipient to take up employment or to change the location of his employment
  - (iii) whether disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
  - (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide or who is intending to provide care of which the recipient of the grant is in need of by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require repayment.

### **Application of Section 52 of the Act**

The conditions in paragraph 2 are local land charges and are binding on any person who is for the time being the owner of the dwelling or building.

### **Wolverhampton City Council Policy**

With effect from 1<sup>st</sup> April 2009 (i.e. all DFG's approved on or after that date)

- 1) All DFG's over £5000 are registered as a local land charge with the 10 year condition (DFG's under £5000 will no longer continue to be registered).
- 2) Wolverhampton City Council will require repayment of any DFG or part thereof exceeding £5000 up to the maximum of £10,000 (subject to the conditions and exceptions outlined below) if the recipient of the grant disposes of the property within 10 years of the "certified date" of the Disabled Facilities Grant. (The certified date is the date that the grant is considered to be complete). This applies whether the disposal is by sale, assignment, transfer or otherwise including repayment from the estate of a deceased owner.
- 3) The council will consider in all cases if it is reasonable to demand repayment having taken into account the reasons why the property is being disposed of.

### **Exceptions**

- 1) The council will not require repayment for any DFG in excess of £5000 that has been given in order to facilitate the installation of a stairlift.
- 2) The council will not require repayment for any DFG in excess of £5000 that has been given in order to facilitate the installation of a through-floor lift.

### **Considerations**

In determining whether or not to require repayment of a grant the council will consider the following:-

- a) The extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant
- b) Whether the disposal of the premises is to enable the recipient to take up employment or to change the location of his employment

- c) Whether disposal is made for reasons connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
- d) Whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide or who is intending to provide care of which the recipient of the grant is in need of by reason of disability or infirmity,

### **Informing Grant applicants**

Grant applicants will be informed about this grant condition at 3 stages of the application process:-

- 1) At initial enquiry stage
- 2) At the time a formal offer of grant is made
- 3) When the grant is completed.

### **Repayment**

When the council is notified that a property which is the subject of the relevant local land charge is being disposed of within the grant condition period it will determine if it is reasonable to demand repayment of the grant by making enquires of the owner / owners solicitor (these enquires generally come via a solicitor handling the sale of a property)

Once the council has received the necessary information the Head of Service / Adaptations Team Manager will make the decision about whether or not to require repayment and will inform the owner / solicitor in writing advising of the methods of making the repayment.

The Adaptations Team will monitor repayments and ensure that they are returned to the adaptations budget

It is likely that the government will require local authorities to provide (annual) information about how many grants they have reclaimed and the amount.

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