

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**PRIVATE SECTOR HOUSING RENEWAL POLICY**

**POLICY TOOLS**

**2022 – 2025**

August 2022

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## **1. INTRODUCTION**

- 1.1 This policy is to identify priorities for capital investment in private sector housing stock, and to demonstrate how this investment will assist in contributing to the strategic objectives of Neath Port Talbot County Borough Council (the Council) and the Welsh Government.
- 1.2 This Policy provides information to the residents of Neath Port Talbot on the types of financial assistance and / or advice that may be available from the Council to ensure their home is safe to live in, energy efficient and helps to maintain their health and wellbeing.
- 1.3 The Council aims to improve the quality of private sector residential housing stock, in particular to make or keep homes warm, safe, secure and more energy efficient.
- 1.4 The assistance and services set out in this Policy are available to private sector homeowners, tenants, landlords and third sector organisations (subject to meeting individual assistance criteria) throughout the county borough. This Policy describes in detail:
  - The full range of assistance that may be made available
  - Who is eligible for this assistance
  - The level of assistance being offered
  - Legal conditions attached to the assistance
  - How to make an application for assistance
- 1.5 Assistance will be targeted at those households who by virtue of their age, disability or financial disadvantage are considered to be most in need
- 1.6 The availability of mandatory and discretionary assistance via grants and loans from the local authority including the eligibility criteria, terms and conditions is detailed in Appendices A and B.
- 1.7 The Council will ensure that assistance is delivered in a reasonable and fair manner, in accordance with best practice and relevant policy, legislation and to the Council's service standards.

## **2. POLICY OBJECTIVES**

- 2.1 The Council recognises that good quality, affordable, and sustainable housing has the potential to make a positive and lasting impact on the health, economic vibrancy and community sustainability of Neath Port Talbot.
- 2.2 The aims and objectives of this policy are as follows:

- To improve the quality of all housing stock, in particular to make or keep homes warm, safe, secure and more energy efficient
- To have county-wide services and housing stock that enables people to maintain their independence
- To reduce the number of empty properties within the County, working with owners, landlords and developers to bring properties back into residential use

2.3 Through the aims and objectives set out in 2.2, the Council's intentions are to achieve the following:

- To improve the condition and safety of private sector housing in the County with the primary aim of improving the health and wellbeing of residents
- To promote independent living through the adaptation of properties within the County, enabling people with disabilities to remain in their own homes
- To enable warmer and safer homes in which a greater number of elderly and vulnerable residents of the County are able to remain
- To assist in reducing the number of households in fuel poverty by improving energy efficiency of homes, whilst working on behalf of residents to attract external funding from a variety of sources (Welsh Government, Energy Suppliers etc.) to minimise the cost of energy efficiency measures for homeowners
- To make the best use of resources available to deliver housing improvements to those in most need
- To bring empty properties back into residential use.

### **3. TYPES OF ASSISTANCE**

3.1 As a result of diminishing capital funding available from Welsh Government in recent years, the availability of grant assistance has significantly reduced. Grant assistance in Private Sector Housing is only available for those who qualify for disabled facilities assistance, or small scale rapid adaptation assistance.

3.2 The Council has a statutory duty to provide mandatory assistance to qualifying disabled applicants via a Disabled Facilities Grant. These grants are subject to means testing to establish if the applicant is required to make a financial contribution towards the cost of the adaptation works.

3.3 The Council also offers a discretionary Disabled Facilities Grant for small and medium-only sized works, for which a means test is not required.

3.4 Details of both mandatory and discretionary disabled facilities assistance are set out in Appendix A.

- 3.5 Home improvement assistance offered by the Council in the form of loan products is set out in Appendix B.
- 3.6 The provision of home improvement loans will provide valuable fresh capital investment, which can be reused by the Authority on repayment of the loan. These Schemes are a way of providing additional finance to individuals and businesses for home improvements, which will contribute to the overall programme of improving the quality of homes and increasing housing supply.

- 3.7 Financial assistance available:

#### **Mandatory Grants**

- Disabled Facilities Grant

#### **Discretionary Grants**

- Disabled Facilities Grant (Small and Medium works only)
- Rapid Adaptation Grant (RAG)
- Relocation Assistance (via DFG - exceptional circumstances only)

#### **Discretionary Loans**

- Welsh Government Landlord Loans (empty property loans)
- Welsh Government Owner Occupier Loan (Home Improvement Loans – To make properties warm, safe or secure)
- Welsh Government Owner Occupier Financial Assistance (To remove hazards and make properties warm, safe or secure)

- 3.8 Both grants and loans will be subject to conditions, including repayment conditions. These are detailed in Appendices A and B.
- 3.9 The availability of discretionary grant or loan assistance will be subject to the Council's annual budget setting procedure, and are offered at the Council's discretion.

## **4. COMPLAINTS**

- 4.1 The Council aims to meet the needs of all its customers. However, there may be times when a person may feel dissatisfied with the service he or she has received or the manner or decision taken with regard to their application. In such circumstances, complaints may be made through a formal complaints procedure as set out in the Council's Corporate Complaints Policy for further investigation and response.

4.2 The intention is to proactively deal with complaints and seek early resolution where service users are dissatisfied with the outcome of the Council's decision/action. As such, all complaints will receive a formal reply, in writing.

## **5. TRANSITIONAL ARRANGEMENTS & PREVIOUS POLICY**

5.1 This document replaces the previous policy regarding grants and loans offered by the Council and it becomes operational from 1st of August 2022.

5.2 Full applications received prior to 1st August 2022 will continue to be dealt with in accordance with the policy in operation at the date of receipt.

## **6. POLICY REVIEW**

6.1 It is the intention of the Council to regularly review this policy to ensure maximum benefits are delivered from financial assistance made available via housing capital programmes and loan funds made available by Welsh Government. This includes seeking all external investment opportunities, working with partners and providing financial assistance that achieves maximum outcomes in the most cost effective manner.

6.2 This Policy will be reviewed :

- Every three years
- Within three months of the coming into force of legislation or regulation which has an impact upon the policy

6.3 Reviews may also be undertaken to take account of any changes in local strategic housing priorities, uptake of financial assistance and budgetary constraints.

## APPENDIX A - DISABLED FACILITIES ASSISTANCE

The Council has a duty to consider all applications for Mandatory Disabled Facilities Grants (DFG) which are administered under the Housing Grants, Construction and Regeneration Act 1996 (HGC&RA) (as amended). The Council also provides discretionary Disabled Facilities Grants for small and minor works which are administered under the Regulatory Reform Order (2002) and assistance in the form of a fast-track grant for smaller adaptations. Loan products for disabled facilities assistance are also provided on a discretionary basis. All applications for assistance will be subject to an assessment of need by the Occupational Therapy Team. This policy provides criteria to ensure grants are awarded fairly and consistently.

<b>MANDATORY DISABLED FACILITIES GRANT (Mandatory DFG)</b>	
<b>Purpose/key outcomes</b>	<p>Mandatory DFGs are available to adapt a property to suit the particular needs of a disabled person who resides at the property. The purposes for which mandatory disabled facilities grants may be given fall into a number of categories and are set out in section 23(1) (HGC&amp;RA), as below:</p> <ul style="list-style-type: none"> <li>• Facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat, or qualifying park home, or the building in which the dwelling/flat is situated</li> <li>• Making the dwelling, qualifying houseboat, or qualifying park home, or the building safe for the disabled occupant and other persons residing with him/her</li> <li>• Facilitating access by the disabled occupant to a room used or usable as the principal family room</li> <li>• Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping</li> <li>• Facilitating access by the disabled occupant to, 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</li> <li>• Facilitating access by the disabled occupant to, 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</li> <li>• Facilitating access by the disabled occupant to, 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</li> <li>• Facilitating the preparation and cooking of food by the disabled occupant</li> </ul>

	<ul style="list-style-type: none"> <li>• Improving any heating system in the dwelling, qualifying houseboat or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his/her needs.</li> <li>• Facilitating 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</li> <li>• Facilitating access and movement by the disabled occupant around the dwelling qualifying houseboat or qualifying park home in order to enable him/her to care for a person who is normally resident and in need of care.</li> <li>• Facilitating access to and from a garden by a disabled occupant</li> <li>• Making a garden safe for a disabled occupant</li> <li>• Such other purposes as may be specified by order of the Secretary of State.</li> </ul>
<p><b>Eligibility criteria (applicant)</b></p> <p>To be offered grant aid:</p>	<p><b>Owner Occupiers:</b> must be a freeholder, or leaseholder with at least 10 years of the lease remaining, and the dwelling must be their only or main residence.</p> <p><b>Tenants:</b> the applicant must intend that they or the disabled occupant will live in the dwelling as their only or main residence throughout the grant condition period or for such shorter period as their health and other relevant circumstances permit.</p> <p><b>Landlords:</b> where a tenant makes an application for a Mandatory DFG, the landlord must be, or intends to be, a freeholder or leaseholder with at least 10 years of the lease remaining and the dwelling(s) is/are to be let on a permanent residential basis and not as a holiday home.</p> <p>A disabled person may make an application for a grant even if they fall outside the definitions above: each individual circumstance will be considered for grant assistance subject to an assessment of need from an occupational therapist and on application for grant assistance.</p> <p><b>Financial Resources:</b> Owner Occupiers and Private Tenants - The Statutory Test of Financial Resources as required for Disabled Facilities Grants (HGC&amp;RA 1996 as amended) applies. The amount of grant allocated will be the difference between</p>



	<p>the amount the applicant is assessed as being able to afford to pay and the total cost of the eligible works.</p> <p>Assessment is based upon 'Household income' as defined which generally means the total income of the Applicant and his/her spouse or partner. However:</p> <ul style="list-style-type: none"> <li>• grants for works to meet the needs of disabled children are not subject to a test of parents' financial resources.</li> <li>• A disabled adult person residing at a property subject which they share with an owner occupier (who may/may not be related) is assessed solely on his or her resources.</li> </ul> <p>The age of the applicant is not a factor to be taken into account.</p>
<p><b>Eligibility criteria (works)</b></p>	<p>Works of adaptation required to enable the occupier to remain within their home. Assistance is given to:</p> <ul style="list-style-type: none"> <li>• Facilitate access</li> <li>• Provide suitable facilities</li> <li>• Make a building safe for use</li> <li>• Make environmental improvements to enable the disabled person to safely live in their home.</li> </ul> <p>Eligible works will be determined subject to an assessment of need by the Council's Occupational Therapist.</p>
<p><b>Conditions</b></p>	<p>The Council is required to determine applications for Mandatory DFG within 6 months of submission of a valid application.</p> <p>For all Mandatory DFGs where the grant exceeds £5,000.00 the local authority will place a local land charge on the property in accordance with the Housing Grants, Construction and Regeneration Act 1996: General Consent 2008 that will remain in place for 10 years following the completion of the grant works.</p> <p>Relevant Disposal:</p> <p>When applying for a grant or loan the applicants will be required to sign a Certificate of Intended Occupation stating that throughout the grant condition period of 10 years, the applicant or a member of the family intends to occupy the dwelling as his/her only or main residence</p>

	<p>Or:</p> <p>If the applicant is a landlord, that he/she intends to let the dwelling as a residence to someone unconnected with him/her and is in agreement with the works.</p> <p>There is a presumption that grant aid will be recovered in full by the local authority where this condition is breached. This is subject to delegated authority vested in the Head of Housing to potentially waive repayment, in whole or part, within the condition period in certain justifiable cases.</p> <p>Scheduled works included in the grant approval must be completed within 12 months of the approval date. The Council may extend the grant period at its discretion in exceptional circumstances.</p>
<p><b>Maximum</b></p>	<p>The maximum grant assistance available is £36,000, to include all appropriate fees, disbursements and VAT where applicable.</p>

**Considerations which must be made by the Council prior to enforcing repayment of disabled facilities grants**

In each case, the Council must be satisfied that it is reasonable to require the repayment and will consider the following in line with Housing Grants, Construction and Regeneration Act 1996/Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008):

- the extent to which the recipient of the grant would suffer financial hardship were the recipient to be required to repay all or any of the grant;
- whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of the recipient’s employment;
- whether the disposal is made for reasons connected with the physical or mental health or physical or mental well-being of the recipient of the grant or of a disabled occupant of the premises; and
- 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 where the person to whom the recipient of the grant has moved to live with him or her intends to provide care of which the recipient of the grant is in need by reason of disability or infirmity.
- Furthermore, for Mandatory DFGs, consideration will be given on application by the applicant/member of the family if the conditions of the grant were enforced which would lead to unnecessary financial hardship; or the disposal is made for reasons connected with the physical or mental health or physical or mental well-being of the

recipient of the grant or of a disabled occupant of the premises/member of the family.

<b>DISCRETIONARY DISABLED FACILITIES GRANT (Discretionary DFG) FOR SMALL AND MEDIUM WORKS</b>	
<b>Purpose/key outcomes</b>	<p>Discretionary DFGs are available to adapt a property to suit the particular needs of a disabled person who resides at the property. The purposes for which the discretionary disabled facilities grants may be given fall into a number of categories of small and medium sized works and are set out in section 23(1) (HGC&amp;RA), as below,</p> <ul style="list-style-type: none"> <li>• Facilitating access by the disabled occupant to and from the dwelling, qualifying houseboat, or qualifying park home, or the building in which the dwelling/flat is situated</li> <li>• Making the dwelling, qualifying houseboat, or qualifying park home, or the building safe for the disabled occupant and other persons residing with him/her</li> <li>• Facilitating access by the disabled occupant to a room used or usable as the principal family room</li> <li>• Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping</li> <li>• Facilitating access by the disabled occupant to, 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</li> <li>• Facilitating access by the disabled occupant to, 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</li> <li>• Facilitating access by the disabled occupant to, 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</li> <li>• Facilitating the preparation and cooking of food by the disabled occupant</li> <li>• Improving any heating system in the dwelling, qualifying houseboat or qualifying park home to meet the needs of the disabled occupant or, if there is no existing heating system there or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his/her needs.</li> <li>• Facilitating 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</li> </ul>

	<ul style="list-style-type: none"> <li>• Facilitating access and movement by the disabled occupant around the dwelling qualifying houseboat or qualifying park home in order to enable him/her to care for a person who is normally resident and in need of care.</li> <li>• Facilitating access to and from a garden by a disabled occupant</li> <li>• Making a garden safe for a disabled occupant</li> <li>• Such other purposes as may be specified by order of the Secretary of State.</li> </ul>
<p><b>Eligibility criteria (applicant)</b></p> <p>To be offered grant aid:</p>	<p><b>Owner Occupiers:</b> must be a freeholder or leaseholder with at least 10 years of the lease remaining and the dwelling must be their only or main residence.</p> <p><b>Tenants:</b> the applicant intends that they or the disabled occupant will live in the dwelling as their only or main residence throughout the grant condition period or for such shorter period as his health and other relevant circumstances permit.</p> <p><b>Landlords:</b> where a tenant makes an application for a DFG, the landlords must be, or intends to be, a freeholder or leaseholder with at least 10 years of the lease remaining and the dwelling(s) is/are to be let on a permanent residential basis and not as a holiday home.</p> <p>A disabled person may make an application for a grant even if they fall outside the definitions above: each individual circumstance will be considered for grant assistance subject to an assessment of need from an occupational therapist and on application for grant assistance.</p> <p><b>Financial Resources:</b> no test of financial resources is required.</p>
<p><b>Eligibility criteria (works)</b></p>	<p>Works of adaptation required to enable the occupier to remain within their home. Assistance is given to:</p> <ul style="list-style-type: none"> <li>• Facilitate access</li> <li>• Provide suitable facilities</li> <li>• Make a building safe for use</li> <li>• Make environmental improvements to enable the disabled person to safely live in their home.</li> </ul> <p>Definition of small and medium works as stated by Welsh Government:</p> <ul style="list-style-type: none"> <li>• Small – rails, indoor and outdoor, small ramps, mop stick rails etc.</li> </ul>

	<ul style="list-style-type: none"> <li>• Medium – Walk in showers, stair lifts, large ramps</li> </ul> <p>Eligible works will be determined subject to an assessment of need by the Council’s Occupational Therapist.</p>
<b>Conditions</b>	<p>The Council is required to determine applications for Discretionary DFG within 6 months of submission of a valid application.</p> <p>For all Discretionary DFGs where the grant exceeds £5,000.00 the Council will place a local land charge on the property in accordance with the Housing Grants, Construction and Regeneration Act 1996: General Consent 2008 that will remain in place for 10 years following the completion of the grant works.</p> <p>Relevant Disposal:</p> <p>When applying for a grant or loan the applicants will be required to sign a Certificate of Intended Occupation stating that throughout the grant condition period of 10 years, the applicant or a member of the family intends to occupy the dwelling as his/her only or main residence</p> <p>Or:</p> <p>If the applicant is a landlord, that he/she intends to let the dwelling as a residence to someone unconnected with him/her and is in agreement with the works.</p> <p>There is a presumption that grant aid will be recovered in full by the Council where this condition is breached. This is subject to, delegated authority vested in the Head of Housing, to potentially waive repayment within the condition period in certain justifiable cases.</p> <p>Scheduled works included in the grant approval must be completed within 12 months of the approval date. The Council may extend the grant period at its discretion in exceptional circumstances.</p>
<b>Maximum</b>	<p>The maximum grant assistance available is £36,000, to include all appropriate fees, disbursements and VAT where applicable.</p>

<b>DISCRETIONARY RAPID ADAPTATIONS GRANT (RAG)</b>	
<b>Purpose/key outcomes</b>	Works to allow the applicant to remain independent in their own homes. Supporting works previously completed under DFG.
<b>Eligibility criteria (applicant)</b>	Eligibility for a Rapid Adaptation Grant:- <ul style="list-style-type: none"> <li>• Owner Occupiers and private tenants (as DFGs)</li> <li>• Passporting Benefit</li> <li>• Household income of less than £25k and savings of less than £10k</li> </ul>
<b>Eligibility criteria (works)</b>	Works to allow the applicant to remain independent in their own home. Works to replace facilities previously provided via DFG will not require OT assessment. Trusted assessors can make referrals from Care & Repair for work to facilitate access. Assistance given to:- <ul style="list-style-type: none"> <li>• Facilitate Access.</li> <li>• Maintain suitable facilities</li> </ul>
<b>Conditions</b>	Conditions for repayment will not apply to Rapid Adaptation Grants.
<b>Maximum</b>	£10,000

<b>RELOCATION ASSISTANCE (via DFG)</b>	
<b>Purpose/key outcomes</b>	<p>There is a presumption against the allocation of a Disabled Facilities Grant where</p> <ul style="list-style-type: none"> <li>• the property is unsuitable in the long term to meet the applicant's needs.</li> <li>• adaptation of the existing property may not adequately meet the needs of the disabled person or their family/carer.</li> <li>• adaptation is not practicable, or would be unusually expensive</li> </ul> <p>Where an Occupational Therapist identifies a person whose needs cannot be met within their existing home, a disabled person may be eligible for financial assistance in the form of Relocation Assistance to move from their current home to a more suitable property, which is either adapted to meet their needs or, where adaptations are practicable.</p>

<b>Eligibility criteria (applicant)</b>	Owners and tenants who are eligible for a DFG where the costs of work exceed the maximum DFG grant limit as identified at approval stage.
<b>Eligibility criteria (works)</b>	<p>For owner occupiers to help assist with the ancillary costs of purchasing a more appropriate or already adapted home which includes estate agent fees, conveyance costs, stamp duty, removal expenses, redecoration allowance and eligible works to the new property.</p> <p>For tenants, costs associated with moving to more appropriate or already adapted rented accommodation.</p>
<b>Conditions</b>	Conditions will be as per the conditions applied to a DFG
<b>Maximum</b>	<p>The amount of grant will be calculated as the eligible costs incurred up to a maximum figure equivalent to that which would have been offered as a Disabled Facilities Grant to adapt the existing home to meet the needs of the disabled occupant, had that been practicable.</p> <p>The maximum grant payable is £36,000, to include all appropriate fees, disbursements and VAT where applicable.</p>

## APPENDIX B - DISCRETIONARY LOANS

Funding has been made available by Welsh Government through the Landlord, Homeowner and Homeowner Financial Assistance Loan Schemes. These schemes provide additional finance to individuals and businesses for home improvements, which will contribute to the overall programme of improving the quality of homes and increasing housing supply.

### Owner Occupier Loan Eligibility

An owner occupier must satisfy a financial assessment undertaken by the Housing Renewal & Adaptation Service Officers in relation to their financial situation to ensure that they have the means to re-pay the loan.

In exceptional circumstances, where financial hardship could result in property repossession and to alleviate potential homelessness, consideration may be given to securing the loan by placing a long-term charge on the property. Any such decision will be made by the Social Care Health and Wellbeing Cabinet Board in the presence of either the Head of Service or Principal Officer for the Housing Renewal & Adaptation Service but only upon receipt of a written request and accompanied by satisfactory supporting documents.

<b>WELSH GOVERNMENT LANDLORD LOANS (EMPTY PROPERTIES) LOAN</b>	
<b>Purpose/key outcomes</b>	Landlord Loans are a Welsh Government initiative designed to bring empty homes (empty for over 6 months) back into use as residential accommodation for sale or rent.  Finance may be used for: <ul style="list-style-type: none"><li>• loans to return a property to use to sell - these loans would have a maximum 2 year repayment period</li><li>• loans to return a property to use for rent - these loans would have a maximum 5 year repayment period</li></ul>
<b>Eligibility criteria (applicant)</b>	Loans are available only to individuals intending to let or dispose of property following renovation/conversion, not for owner occupancy by the applicant.
<b>Eligibility criteria (works)</b>	Works required for the renovation and improvement of single properties or for the conversion of empty properties into a number of units suitable and intended for use as residential accommodation.  Funding can be available before works start, providing owners with working capital Larger loans will be issued in staged payments.



<b>Repayment Terms</b>	<p>These will depend upon intended use following completion of works.</p> <ul style="list-style-type: none"> <li>• If the property/units are made available for sale, the loan must be repaid within 2 years from date of loan approval, or on disposal if earlier.</li> <li>• If the property/units are made available for letting, the loan must be repaid within 5 years from date of loan approval.</li> </ul> <p>Loans are interest free if repaid in accordance with the loan conditions, but interest will be charged in case of default.</p>
<b>Conditions</b>	<p>Loans shall be secured as local land charges for works, or as first or second legal charges against the Land Registry Title.</p> <p>Loans shall only be made available for properties that have been empty for at least six consecutive months or more at the date of application.</p> <p>Loans shall not exceed 80% of the property value, nett of any sums already secured against the property by legal charge or otherwise, at the date of application. Where the loan required exceeds this limit, the Council may be prepared to lend a greater sum subject to the provision of acceptable security upon another property.</p> <p>Applicants must ensure that the conversion/repair works are completed within a time period agreed at the outset.</p>
<b>Maximum</b>	<p>£25,000 per unit of accommodation, up to a maximum of £250,000 per applicant.</p>
<b>Loan Fee Charges</b>	<p>An administration fee will be payable to the Council for processing each application:  For loans up to £9,999 a fee of £800  For loans from £10,000 up to £250,000</p> <ul style="list-style-type: none"> <li>• £1,000.00 (single unit)</li> <li>• If a property is to be converted into multiple units of accommodation the administration fee will be as detailed above plus £250 for each additional unit, up to a maximum of £3250.</li> </ul> <p>Building/planning fees and RICS evaluation fees (if required) are not included and must be paid by the applicant.</p>

<b>WELSH GOVERNMENT OWNER OCCUPIER LOANS (HOME IMPROVEMENT LOANS)</b>	
<b>Purpose/key outcomes</b>	Owner Occupier Loans are made available to support repairs to substandard housing. The works must also contribute to making the property warm, safe or secure.
<b>Eligibility criteria (applicant)</b>	<p>The applicant must be able to afford to repay the loan by agreed instalments or have the means to repay the loan on the due date.</p> <p>For owner-occupiers an Affordability Test will need to be completed.</p>
<b>Eligibility criteria (works)</b>	<p>Any works or repair to be funded by a loan must contribute to making the property warm, safe or secure.</p> <p>A Housing Health and Safety Rating System (HHSRS) assessment of the property will be required to determine that the works to be funded by the loan will cause a satisfactory improvement in hazard scoring.</p>
<b>Repayment Terms</b>	Loan repayment will be via monthly direct debit direct to the Council, spread over lifetime of the loan.
<b>Conditions</b>	<p>Loan period up to 10 years maximum.</p> <p>All charges will be registered in the local land charges register or registered with the Land Registry to secure the debt.</p> <p>For loans up to £5000 a local land charge will be secured on the property that will bind the applicant.</p> <p>Loans over £5000 must be secured by a legal charge registered with the Land Registry to secure the debt.</p>
<b>Minimum &amp; Maximum</b>	Minimum of £1,000 up to a maximum of £25,000 per unit of accommodation.
<b>Loan Fee Charges</b>	<p>An administration fee will be required for processing an application:</p> <p>For owner occupier loans the fee chargeable to the applicant will be £500 or such other sum as the Council may specify from time to time</p>

	Building/planning fees and RICS valuation fees (if required) are not included in the administration fee and must be paid by the applicant.
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<b>WELSH GOVERNMENT OWNER OCCUPIER FINANCIAL ASSISTANCE LOANS</b>	
<b>Purpose/key outcomes</b>	Owner Occupier Financial Assistance Loans are made available to support repairs to substandard housing. The works may also contribute to making the property warm, safe or secure.
<b>Eligibility criteria (applicant)</b>	Owner Occupier Financial Assistance is only available to owner-occupiers who fail the affordability assessment for an Owner Occupier Loan and who are not able to access other financial assistance/grants.
<b>Eligibility criteria (works)</b>	<p>A Housing Health and Safety Rating System (HHSRS) assessment of the property will be required to determine that the works to be funded by the loan will cause a satisfactory improvement in hazard scoring.</p> <p>Owner Occupier Financial Assistance will only be provided in respect of HHSRS hazards in order to improve the house to a safe, warm and secure standard, and may not cover all works/costs proposed to be carried out and included in the application.</p>
<b>Repayment Terms</b>	The loan will shall be repayable upon sale or disposal of the property.
<b>Conditions</b>	All Owner Occupier Financial Assistance loans will be secured by a legal charge registered with the Land Registry to secure the debt.
<b>Minimum &amp; Maximum</b>	Minimum of £1,000 up to a £25,000 per unit of accommodation.
<b>Loan Fee Charges</b>	<p>An administration fee will be required for processing an application:</p> <p>For owner occupier financial assistance loans the fee chargeable to the applicant will be £250 or such other sum as the Council may specify from time to time</p> <p>Building/planning fees and RICS evaluation fees (if required) are not included in the administration fee and must be paid by the applicant.</p>

## **APPENDIX C – GRANT / LOAN CONDITIONS**

Some grants and/or loans are awarded on condition that the applicant will repay the grant/loan amount in full to the Council if the property is either sold or not occupied as intended within an agreed time period. Full details of the grant/loan conditions are issued direct to applicants, in writing, at the time that a grant/loan is approved.

The grant condition period normally starts on the date that work is completed to the satisfaction of the Council. Charges are lodged as a local land charge when work has been completed (dependent on type and value of grant). In certain circumstances, the local land charge may be registered prior to work having been completed if the Council deems that progress on the work is unsatisfactory or incomplete.

The loan condition period normally starts from approval of the loan. Charges are either lodged as a local land charge or registered with the Land Registry dependant on the value of the loan.

The requirement to deliver Mandatory Disabled Facilities Grants remains a duty under the Housing Grants, Construction and Regeneration Act 1996 as amended by the Regulatory Reform Order 2002.

The Council will continue to give priority to the Mandatory DFG and the small and medium Discretionary grant over all other types of discretionary assistance. The Council must determine applications for both mandatory and discretionary disabled facilities grant within six months.

The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (Wales) Order 2008, places a limit of £36,000 on the amount of mandatory grant which may be given for works under section 23(1) of the Housing Grants, Construction and Regeneration Act 1996.

The maximum Discretionary DFG for small and medium grants by the Council will be £36,000

The Mandatory DFG grant is subject to a statutory test of financial resources (means test) and an applicant may be required to pay for some or all of the work. There is generally no means test for the families of disabled children. For specific information relating to individual circumstances please enquire for further details.

The Discretionary DFG for small and medium works will not be means tested.

The Council has also adopted the general consent granted by sections 34(6) (b), 52 and 94 of the Housing Grants, Construction and Regeneration Act 1996, which means:

- The Council seeks repayment of grant monies in excess of £5,000
- The grant repayment condition period should be a period of 10 years commencing on date on of certified completion.

Disabled Facilities Grant conditions imposed under this Policy remain as defined in the Housing Grants, Construction and Regeneration Act 1996 and any associated Regulations made under this Act as well as detailed within this Policy. Whilst this Policy gives a guide to the conditions, detailed guidance and a statement of law is available with reference to this legislation.

For all Mandatory and Discretionary DFG grants, and discretionary loans, conditions are placed on grant/loan recipients via a local land charge or legal charge registered against the property. The powers that enable the local authority to secure these charges are defined within the Regulatory Reform Order 2002, and will be outlined to grant/loan applicants within the Grant/Loan Offer letter/agreement. The offer of the grant/loan will be subject to the applicant agreeing that the charge is secured against the property.

All Grant/Loan allocations are subject to repayment conditions as stated within the respective scheme consent, form of application, approval document and/or loan agreement and legal charge documents. As a matter of principle, the Council will start from the position that all grants and loans must be repaid in accordance with the repayment conditions. In the case of the Discretionary and Mandatory DFG allocations, however, in exceptional circumstances the Council may determine to waive repayment in whole or part, or to agree to limited variation to the terms/period of repayment. Each case is considered on its own merits and it is the responsibility of the grant applicant to prove that there are legitimate financial reasons why the conditions cannot be met. Any such decision will be made, upon receipt of a written request and accompanied by satisfactory supporting documents, by the Social Care Health and Wellbeing Cabinet Board in the presence of either the Head of Service or Principal Officer for the Housing Renewal & Adaptation Service.

## **APPENDIX D – GRANT / LOAN ELIGIBLE WORKS**

All grant/loan eligible work is determined by the Council's Housing Renewal & Adaptation Service Officers, who will produce/request a specification of eligible works in each individual case. The cost of work will be determined by obtaining two competitive quotations where loan assistance is sought, (to be provided by the applicant) or via use of a standard schedule of rates for grant assistance. This will form the basis of the grant/loan offer and award.

In relation to disabled facilities assistance, adaptations must be recommended by an Occupational Therapist and based upon the specific needs of the applicant or disabled person. The Housing Renewal & Adaptation Service Officer will determine the extent of the eligible works proposed, whether the works are necessary and appropriate, reasonable and practicable, and therefore if they are eligible for financial assistance. Where applicable, clients will undergo a financial means test, to determine if a client contribution towards the cost of works will be required which will be notified as part of the approval process.

In most cases only eligible work as defined can be considered for grant/loan aid, and Council officers will be able to give applicants advice specific to their individual grant/loan application dependent on property condition.

Applicants may, however, choose to commission non-grant/loan aided work at the same time as eligible work, but must fund that costs themselves. In all circumstances, the Council acts only as the provider of financial assistance and is neither the employer nor client of workers and contractors engaged by the applicant to carry out the works.

All work must be carried out to the specifications set out by the local authority, to the required standard in accordance with current Building Regulations and, where applicable, in accordance with planning permission.

Energy efficiency works may be offered with other types of grant/loan assistance if appropriate, and works identified may attract grant/loan aid either from the Council, or via external funding sources which the Council may be able to identify and claim on behalf of applicants. Advice will be given in each individual case.

Grant/loan aid is not available toward the cost of furniture removal and storage, temporary alternative accommodation costs or redecoration costs such as matching tiling, wallpaper or paint following completion of repairs.

Applicants need to consider and budget for any of these extra costs before accepting the offer of finance and proceeding with the grant/loan aided work.

## **APPENDIX E - FEES & CHARGES**

When making an application for financial assistance, applicants may incur fees and charges. Fees and charges include any fees the Council reasonably deem appropriate and may include:

- Legal services
- Application / monitoring fees (e.g. building regulations and planning permission)
- Radon survey fees
- Technical and structural surveys
- Completion of forms and certificates
- Design and preparation of plans and drawings
- Compliance with statutory requirements inclusive of health and safety
- Preparation of schedules of works and quantities
- Advice on contracts and contractors
- Supervision of works
- Valuations of payments
- Disconnection and reconnection of electricity, gas, telephone and water utilities necessitated by undertaking grant or loan assisted works

Fees and charges for services such as the above will only be potentially eligible for financial assistance if those services are essential to enable the formal grant/loan approval to be completed.

All appropriate and eligible expenses will be taken into account when considering an application for discretionary grants/loans. In the case of discretionary grants, maximum limits refer to the cost of works and appropriate fees can be awarded in addition. In the case of Mandatory Disabled Facilities Grants, however, all fees and charges must be included in the grant amount, and cannot exceed the maximum allowed.

Applicants must note that any fees, charges or expenses incurred as part of the grant/loan application process will not be reimbursed unless appropriate invoices are provided and the grant application progresses through to completion to the satisfaction of the Council.

The Council has and will exercise discretion to only agree to fees it deems reasonable, and may refuse to allow the full cost if it considers fees to be excessive or unreasonably incurred. Applicants will also be liable to repay any costs incurred by the Council if a grant/loan application fails to progress.

## APPENDIX F - LEGISLATIVE BACKGROUND

In July 2002 the Government made significant changes to housing grant legislation, introducing the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. This order allows local authorities to formulate their own flexible financial assistance policies to target their funding to address specific local needs and strategic priorities.

Disabled Facilities Grants now remain the only mandatory grant, with all other types of assistance being at each Council's discretion.

With the introduction of the Regulatory Reform Order, before a Local Authority can provide any assistance under the order, an Authority must have adopted a policy for the provision of assistance, and give public notice of the policy. In addition, they must ensure that a full copy of the policy is available at all reasonable times and available by post on payment of a reasonable charge. Any assistance must then be provided in accordance with the policy.

Consequently, it is incumbent upon Local Authorities to ensure that their financial assistance policy is updated to reflect the terms of this scheme and any other assistance they offer.

The purpose for which assistance may be provided is set out in Article 3 of the order. That is for the purpose of improving living conditions in their area and Authorities may provide direct or indirect assistance to a person for the purpose of enabling him:

- to acquire living accommodation (whether within or outside their area) - only where the Authority has acquired or proposes to acquire (compulsory or otherwise his existing living accommodation) or are satisfied that the acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by the carrying out of work to his existing accommodation;
- to adapt or improve living accommodation (whether by alteration, conversion or enlargement);
- to repair living accommodation;
- to demolish buildings comprising or including living accommodation;
- where buildings comprising, or including, living accommodation have been demolished to construct buildings that comprise, or include, replacement living accommodation

'Living accommodation' is defined in Part 2 of the Order as a building or part of a building, a caravan, a boat or similar structure, occupied or available for residential purposes.

The Order further states that the 'assistance' may be provided in any form and may be unconditional or subject to conditions, including conditions as to the repayment of the assistance or of its value (in whole or in part), or the making of a contribution towards the assisted work.

In addition, the Local Government Act 2000 created a discretionary power referred to as 'the well-being power' which enables Local Authorities to do anything that they consider is



likely to promote or improve the economic, social or environmental well-being of their area and/or persons in it, provided that they are not restricted from doing so by other legislation.

However, Section 2 does not enable a Local Authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in any enactment (whenever passed or made).

Therefore, Local Housing Authorities must have regard to Section 24, Local Government Act 1988, (subject to Section 25) which provides the Local Housing Authority with the power to provide any person with financial assistance for the purposes of, or in connection with, the acquisition, construction, conversion, rehabilitation, improvement, maintenance or management (whether by that person or by another) of any property, which is or is intended to be privately let as housing accommodation.

Private let as housing accommodation is defined 'at any time when it is occupied as housing accommodation in pursuance of a lease or licence of any description or under a statutory tenancy and the immediate landlord is a person other than a Local Authority'.

Section 25, Local Government Act 1988, states that consent from the Secretary of State or Minister is required for the provision of financial assistance, unless the assistance or benefit is provided in exercise of any power conferred by Article 3 of the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 .

Consequently, the broad nature of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and the general 'wellbeing' powers contained in the Local Government Act 2000, means that Local Authorities will be able to provide financial assistance through the provision of discretionary grants and loan schemes to the full range of applicants and can attach such conditions or terms that they consider appropriate in the circumstances.

**Relevant Legislation:**

- Housing Grants, Construction and Regeneration Act 1996
- Local Government Act 1988
- Local Government Act 2000
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- National Assembly of Wales Circular 20/02, Renewal Guidance
- The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (Wales) Order 2008