

PRIVATE SECTOR HOUSING

DISABLED FACILITIES GRANTS

POLICY

2019 – 2021

Introduction

Housing Grants, Construction and Regeneration Act 1996 places a mandatory duty on local authorities to provide disabled facilities grants. The grant is for adapting or providing facilities for a disabled person in a dwelling. Discretionary assistance for adaptations in addition to, or instead of, a mandatory disabled facilities grant may be awarded in exceptional circumstances.

For the purpose of the grant a person is considered disabled if one of the following applies:

- Sight, hearing, or speech is substantially impaired
- Having a mental disorder, or impairment of any kind
- Are substantially physically disabled by illness, injury, impairment present since birth, or otherwise
- Are registered (or could be registered) disabled with the Social Services Department

Purposes of the grant

Prior to a disabled facilities grant being approved, Flintshire Council needs to be satisfied that the works are necessary and appropriate to meet the needs of the disabled occupant, and that it is reasonable and practicable to carry out the works having regard to the age or the condition of the building. To establish this the Regeneration Team will assess the application in consultation with the Occupation Therapy Team.

The property is inspected to check that the proposed works are technically feasible, that there are no other reasonable alternative solutions and that there are no other health and safety issues.

A decision will be taken in consultation with the applicant as to whether to proceed to a Disabled Facilities Grant, or a Disability Relocation Grant, or to explore alternative housing solutions.

In order for a disabled facilities grant to be made available one or more of the following reasons must be established:

- Help a disabled occupant with access to and from their premises (such as widening doors, or installing ramps)
- To allow access to internal rooms, specifically a main living room, bathroom, bedroom or kitchen facilities. (such as by providing a stair lift)
- To have easier access and movement around the home to enable the disabled person to care for someone dependent on them, who also lives there (such as a child, husband, wife or partner)
- To make the building safe for the disabled occupant or other people living with the disabled occupant

- Improving any heating system in the dwelling to meet the specific specialist needs of the disabled occupant, or, if there is no existing heating system or it is unsuitable, providing a suitable system
- To allow access to and from a garden by a disabled occupant or making a garden safe for a disabled occupant

The relevant works are limited to, or include, such works as is believed to be necessary to achieve that purposes stated above.

The Regulatory Reform (Housing Assistance) Order 2002 provides flexibility for Council's to provide assistance in the a way which best suits local circumstances.

Resource implications

Generally, the Council will resource the Policy through a combination of the following: -

- Capital allocations received from the Council's Capital Programme.
- Specific complementary funding made available by Welsh Government from the Enable support for independent living fund.
- Support to delivery smaller adaptations through the Care and Repair charity, utilising their resources to provide a whole house approach to care and support.

Review and revision

This Policy shall remain in force until April 1st 2021. The Policy will be reviewed and revised accordingly in-line with Welsh Governments current review of the impact of the grants and the Enable budget.

The Council will advise members of the public of any amendments to this Policy, for example due to minor legislative changes, via press releases and our website as appropriate.

Equality and diversity

This Policy produces significant positive outcomes for vulnerable groups and those with disabilities. It reduces inequalities experienced by those groups in respect of health, housing and income.

We aim to continuously improve the quality of our services for our residents and are committed to giving an equal service to all members of the public regardless of age, disability, race, religion or belief, gender or sexual orientation.

Appeals and applications for assistance falling outside the Policy

Although this Policy will be the primary consideration in determining applications for assistance, all such applications shall be dealt with on an individual basis, based on the

merits of each particular case. The Council will not refuse to consider an application that falls outside this Policy.

It is recognised that there will always be exceptional circumstances. Exceptional cases will be considered for Welsh government provided Enable funds by the Regeneration Lead or Service Manager.

Alternative Assistance

Flintshire County Council works in partnership with Care and Repair North East Wales, which is a Community Benefit Society with charitable status that provides advice and support on adaptations and delivers minor adaptations to properties.

Care and Repair can carry out a provisional test of resources if requested, to see if an applicant is eligible for a grant or provide alternative solutions if the applicant is not eligible. They can assist with completing application forms and obtaining evidence required for the means test.

Care and Repair have a wholly owned subsidiary company called for You Property Services Ltd which provides property repairs, maintenance and adaptations service if required.

Care and Repair call 01352 758700 or 03001113333

www.careandrepairnew.co.uk or email enquiries@careandrepairnew.co.uk

Care and Repair North East Wales, Place for You, Rowleys Drive, Shotton, Flintshire, CH5 1PY

Conditions of assistance

General conditions

All forms of assistance referred to in this Policy document are subject to a number of general conditions.

We write to each person being provided with assistance, confirmation of the terms and conditions.

The following list is not exhaustive.

- All applications for assistance must be made on the Council's official application forms.
- All applicants will be required to have their property registered with HM Land Registry.
- The payment or part payment of grants is conditional on the eligible works being carried out to the satisfaction of the Council and the receipt of an acceptable invoice for the works and any ancillary or professional fees.

Unless stated otherwise, any additional funding utilising an equity based loan or grant will be secured as a legal charge against the property where breach of a condition would require repayment of all or part of the financial assistance. This charge will not be removed until either the conditions expire or until the financial assistance is repaid.

No grant assistance will be awarded for works that have commenced prior to the date of formal notification of grant or loan approval.

- Where it is ascertained that an application for assistance has been determined on the basis of inaccurate or incomplete information, we can withhold or demand repayment of monies from the applicant.
- If an applicant knowingly makes a false statement, in respect of any information they provide as part of an application for financial assistance or payment, including details of income and savings, we may refer the matter to the Police with a view to prosecution.
- In exceptional cases, where the property must be vacated in order for works to be carried out, the Council may be able to assist in finding temporary accommodation. Applicants must be unable to arrange temporary accommodation privately e.g. with family or friends and will be liable for the cost of any rent, removals or furniture storage costs incurred. However, if the applicant would suffer undue hardship, the Council may be able to provide discretionary assistance.

Exceptions to repayment conditions

It is recognised that there will be certain situations where it would be inappropriate or unreasonable for a disabled person to be required to repay the grant on disposal of their dwelling. A written request for a repayment waiver must be made to the Council, explaining the circumstances of the case and the reasons why repayment of grant would cause undue hardship. The particulars of each individual case will be considered on their own merits and the applicant will be notified of the outcome in writing.

Where a property is vested in another individual's name under a will or intestacy, the death of the owner will trigger repayment, unless the property was the inheriting person's main residence at the time of application. In this case the condition to repay the loan or grant assistance and occupy the property will transfer to the new owner.

Revisions after grant approval

Where, owing to circumstances beyond the control of the applicant, the eligible works cannot be completed for the estimated costs submitted with the application, we will continue with the work without considering any additional charge to the client.

- **Appendix one** – Disabled facilities Grant process
- **Appendix two** - Eligibility limitations
- **Appendix three** - Adaptation qualifications

General Process

Making an enquiry

We will provide clients with the appropriate information pack. The pack includes information on the eligibility criteria and any conditions of assistance, together with an application form and a letter explaining the application procedure.

Application forms and information leaflets setting out a summary of the types of assistance available, including details on eligibility criteria, levels of assistance and any conditions that apply. This information is also available on www.flintshire.gov.uk under Housing grants.

Making an application

If a disabled person wishes to apply for a Disabled Facilities Grant. They should contact the Single Point of Access team, the Social Services Duty Team, Social Services on 01352 702642. The duty team advise whether or not an applicant meets the criteria for assessment by an Occupational Therapist.

Applicants are then asked to provide financial information to help calculate whether they are eligible for a grant. Disabled Facilities Grants are subject to a 'means test' unless the application relates to a child.

A Building Surveyor will work with the Occupational Therapist and discuss the recommendations and may inspect the property to ensure that this work can be reasonably and practicably carried out.

Payments

Applicants who have requested to use their own contractors may have a release of a payment made to start the work. Where works undertaken are of a satisfactory standard and are supported by an acceptable invoice, interim payments can be made, subject to conditions. Grant payments will be made, directly to the main contractors.

Upon notification of completion of the works, we undertake a full inspection of the works. We will only release final payment when all works have been completed satisfactorily and all relevant invoices, guarantees and certificates have been received and conditions met.

In cases of dispute between the applicant and the contractor over the satisfactory completion of grant works, we reserve the right to adjudicate and release payment to the contractor if deemed appropriate, however the contractual arrangement for quality and warranties is between the client and the contractor.

Financial Assistance

In terms of assessing potential contributory funding to the property adaptations, eligible applicants will be means tested using one or more of the following income related or disability benefits: -

- Income Support
- Housing Benefit
- Council Tax Benefit (excluding single persons discount)
- Disabled Persons Tax Credit
- Income Based Job Seekers Allowance
- Working Families Tax Credit
- Attendance Allowance
- Disability Living Allowance
- Industrial Injuries Disablement Pension
- Child Tax Credit
- Working Tax Credit
- Pension Credit
- Universal Credit
- Personal Independence Payment

Additional funding may be available based on the equity within an applicant's homes.

The Council facilitates the lending of money to home owners in exchange for a share in the value of the property. There are no regular repayments or interest added to the loan. The Council recovers its money either when the property is next sold or transferred to a new owner or after a set period of time. Example: If the property value is £100,000 and the cost of the grant work is £46,000, then a charge of £10,000 is required. £10,000 of the sale proceeds will be repaid to the Council.

Summary of support programmes

Minor adaptations

Minor adaptations are classed as those which cost less than £1,000 and these are dealt with directly by Care and Repair North East Wales

Disabled Facilities Grant (DFG)

If the adaptation is likely to cost up to the current maximum of £36,000, then a DFG may be considered subject to the following criteria:

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> Referral by Occupational Therapist confirming that works are necessary and appropriate Adaptation is the most satisfactory course of action subject to a reasonable and practicable assessment Available across all tenures (Separate arrangements apply for Registered Social Landlord tenants) Work costs in excess of £1,000 Amount of Disabled Facilities Grant depends on the income and savings of the disabled person and his or her partner, even if the disabled person is not the applicant for the grant (such as when an application is made by a landlord with a disabled tenant). If the income and savings are below the test limits 	<ul style="list-style-type: none"> As set out in the Housing, Grants Construction and Regeneration Act 1996 The grant will only be paid when the Council are satisfied that the work is being completed to their satisfaction and in accordance with the grant approval Repayment of a grant above £5,000 to a maximum repayment amount of £10,000 will be required if the applicant chooses to move within 10 years of the completion date. The potential repayment amount will be placed as a local financial charge against the property. Subject to a means test (except for children) 	<ul style="list-style-type: none"> Maximum of £36,000 If the Council is managing the adaptation construction works on behalf of the client then any unforeseen costs that cause the cost of the work to exceed the grant maximum of £36,000 will be met by the Council. This will not apply where the client is managing the works themselves or where the extra costs arise from additional items requested by the client which did not form part of the original grant agreement with the Council.

<p>there will be no need for a contribution.</p> <ul style="list-style-type: none"> • If the income and savings are more than the test limits, then a contribution will be required towards the cost of the works. • There is no requirement for a means test for all Children's Disabled Facilities Grants (under the age of 19). 		
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Disabled Facilities Relocation Grant

If the adaptation is not practical, or cost effective, then a Disability Relocation Grant or the exploration of alternative housing solutions will be considered but cannot be guaranteed.

In order to qualify for a discretionary Disability Relocation Grant for up to £20,000, the Council must be satisfied that the new property can be more easily and cost effectively adapted to meet the long term need of the disabled occupant.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Referral by Occupational Therapist confirming that works are necessary and appropriate • Property is unsuitable for adaptation, or it is more cost effective to move rather than adapt • Available to owner occupiers and private rented tenants (not registered social landlord tenants or Council tenants) 	<ul style="list-style-type: none"> • Repayment of grant will be required if applicant chooses to move within 10 years of the completion date; up to a maximum repayment of £10,000 	<ul style="list-style-type: none"> • Maximum of £20,000 available to help bridge the affordability gap between the value of the applicants existing home and the purchase price of the new property. • Subject to means testing • Maximum of £2,000 available for removal expenses, subject to means testing. • The grant is discretionary and the availability is dependent upon the detail of each individual case.

Discretionary Top Up Assistance

If the initial estimate of the works goes above the mandatory limit, then a Scheme Review is carried out, to see whether the need can be met at lower cost, or whether a Relocation Grant is more appropriate.

However, if it is not possible to reduce the cost of the scheme, or practicable for the householder to move, Discretionary Top-Up Assistance may be considered.

In order to be considered for this type of assistance, the applicant must undergo a full test of financial resources.

This process also includes assistance for adaptations which exceed £36,000 in respect of children.

An Assessment Panel comprising of senior officers from Social Services and Housing Renewal will determine whether a Top-Up can be issued.

For owner occupiers that receive a Top-Up Loan this will be registered as a financial charge against their property, repayable on sale, or transfer to another person, or after a 25 year period. (This will require the consent of the mortgage lender if applicable.)

Disabled Facilities Discretionary Top up Grant

If the work is likely to cost in excess of the current maximum then a discretionary top up grant or an equity based top up loan maybe offered, or there may be a need for the applicant to provide contributory funding.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> Applicant eligible for a Disabled Facilities Grant which requires a top up. Applicant has an owners interest 	<ul style="list-style-type: none"> The grant will only be paid when the Council are satisfied that the work is being completed to their satisfaction and in accordance with the grant approval 	<ul style="list-style-type: none"> Maximum grant of £3,000 subject to eligibility testing and loan assessment

Disabled Facilities Discretionary Top up Loan

This loan will be considered in very exceptional circumstances where the required expenditure to provide a disabled adaptation is above the statutory limit (currently £36,000). **It will only be provided to owner occupiers and the loan amount will be registered as a financial charge against the property at the Land Registry.**

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant eligible for a Disabled Facilities Grant which requires a top up. • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount and have 20% free equity remaining 	<ul style="list-style-type: none"> • Property must be occupied by the applicant or a family member as their main residence until the loan is released • If the property has a mortgage the loan requires the mortgage lenders consent 	<ul style="list-style-type: none"> • Maximum loan of £20,000 subject to eligibility testing and loan assessment • The Council's loan administrator holds a share of the property value, proportional to the cost of the works, as a percentage of the property's unimproved value • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application or after a 25 year period. • Voluntary early repayment may be made at any time.