

# North Northamptonshire Council

## Private Sector Housing Policy

April 2021 – April 2023

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# 1. INTRODUCTION

1.1 This document is the North Northamptonshire Council's Private Sector Housing Policy in relation to the provision of information, advice and support to homeowners, tenants of private rented properties and private landlords regarding the repair, improvement and adaptation of their property. It sits alongside the Private Sector Housing Enforcement Policy which covers regulatory matters.

## 1.2 Policy aims and objectives

### Disabled Facilities Grants

The Council provides mandatory Disabled Facilities Grants (DFGs) to assist with adaptations enabling residents to remain in their homes, where this is the most appropriate option. DFGs permit a maximum grant of £30,000 per property. The Council also offers discretionary DFG funding subject to funding availability and qualifying criteria.

### Discretionary Grants

Discretionary grants may be made available, subject to funding availability and qualifying criteria. This includes discretionary funding for:

- DFG adaptations, support and ancillary costs
- HomeMove Grants
- Renovation Grants
- Landlord Renovation Grants
- Home Repair Assistance Grants
- Landlord Improvement Grants

### Energy efficiency

The Council engages in energy efficiency projects in order to improve the energy efficiency of domestic dwellings across North Northamptonshire and to assist in reducing fuel poverty. In conjunction with partner organisations, the Council promotes the availability of Government funded projects, such as the Energy Company Obligation (ECO and ECO Flex), as well as implementing national affordable warmth and carbon reduction policies or incentives. This work is primarily undertaken through the Northants Warm Homes partnership.

The Council processes applications for Eco Flex applications. An updated Statement of Intent was signed in 2019.

### Empty Properties

The Council has a programme of works to identify long term empty properties (defined as empty for 6 months or more) and engage with owners to bring the properties back into use. Where informal measures are unsuccessful, the Council will seek to take enforcement action, including compulsory purchase action, where necessary. This is to reduce the negative impacts that can arise through long-term empty properties and to assist ensure all housing stock is occupied.

### Houses in Multiple Occupation

The council have a role in ensuring all licensed and non-licensable houses of multiple occupation (HMOs) are safe and fit for tenants. This work includes proactive and reactive interventions, inspections and investigations to ensure all properties requiring a licence are licensed, and all properties regardless of licensing are of a suitable and safe standard.

### Immigration Inspections

A chargeable discretionary service the councils Private Sector Housing team offer is property inspections where people are immigrating to the UK from outside the EEC, to ensure the property they are moving in to will be suitable. Where a property meets the required standard, a certificate is provided to the applicant, for them to produce with their immigration application.

### Support for Tenants

The Private Sector Housing team will support tenants in certain circumstances to take action against landlords (including social housing providers) where their rented property presents a risk of harm to the occupants. This support will usually be limited to guiding tenants how to take their own action.

## 2. Mandatory Disabled Facilities Grants

The aims of this policy are to:

- Provide a framework for delivering mandatory Disabled Facilities Grants (DFG) to assist people with a disability to remain in their own home;
- Provide discretionary Disabled Facilities Grants for certain works and where qualifying criteria are met.
- Provide advice and discretionary financial assistance through a HomeMove Grant (Private Sector) to support alternative action to a mandatory DFG (for example, to support a disabled applicant in a move to a more suitable home), where there are cost savings and/or socio environmental benefits for doing so.

### 2.1 Principles of Assistance

When considering assistance to individual homeowners, including private landlords, the following principles will apply:

- Homeowners have the primary responsibility for ensuring their homes are properly maintained; they are also responsible for the maintenance of any works undertaken by the DFG. Once completed and signed off, the responsibility for ongoing maintenance and servicing is the responsibility of the grant recipient.
- Support and assistance should encourage private investment and maximise the impact of available public funds, for example, by securing nominations rights to private rentals in return for grant assistance;
- The Council will not approve an application for assistance if the eligible works have been started or completed before the application is approved.
- Applications meeting all necessary criteria will be approved, but the provision of financial assistance for all discretionary grants is subject to the availability of funding.

### 2.2 Available Assistance

The Council will continue to make mandatory Disabled Facilities Grants available in accordance with the Housing Grants, Construction & Regeneration Act 1996, and subsequent amendments.

The Council is required by law to provide the statutory Disabled Facilities Grant to adapt homes for people with a disability if the adaptation is considered necessary, appropriate, practical and reasonable.

The grant is means-tested for applicants over 18 years old and the maximum grant is currently **£30,000** per application.

The Council is required to consult with Occupational Therapists regarding any proposed adaptations to ensure that the proposals are necessary, appropriate, reasonable and practicable.

Disabled Facilities Grants play a key role in enabling elderly and/or disabled residents to continue to live independently in their own homes with adaptations.

### **2.3 Purpose of the Assistance**

This is a mandatory grant to adapt the home of a person with a disability, so that they can continue to live at home safely.

The purposes for which adaptations may be provided are:

- a) Facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
- b) Making the dwelling or building safe for the disabled occupant and other persons residing with him/her;
- c) Facilitating access by the disabled occupant to a room used or usable as the principal family room;
- d) Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping;
- e) 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;
- f) 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;
- g) 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;
- h) Facilitating the preparation and cooking of food by the disabled occupant;
- i) Improving any heating system in the dwelling to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his/her needs;
- j) 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;

- k) Facilitating access and movement by the disabled occupant around the dwelling in order to enable him/her to care for a person who is normally resident in the dwelling and is in need of such care;
- l) Such other purposes as may be specified by order of the Secretary of State. Note: The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 lists two further purposes specified by the Secretary of State:
  - m) Facilitating access to and from a garden by a disabled occupant;
  - n) Making access to a garden safe for a disabled occupant.

Works are determined through an assessment of the client and their home environment by an Occupational Therapist. The assessments concentrate on the client's ability to remain living independently in their own home and must distinguish between works, which are desirable, and those, which are necessary and appropriate.

When considering the provision of hard standings (3.6 x 4.8 max) and associated crossover for vehicle access, where the disabled person is in a wheelchair or has extreme difficulty walking to the house, the following will apply.

Hard standings and associated crossovers will only be given where existing on-street parking is considered unsatisfactory and a marked disabled parking bay is not possible or where it affords a more economical solution than providing additional paths / ramping from the house to the roadside. Please note that being the holder of a blue badge is not the eligibility criterion for this item.

When identifying and agreeing adaptations the Council will ensure:

- They are the simplest, least disruptive and most cost-effective adaptation to meet the needs of the client;
- They are designed to fit within the existing structure of the home; this may involve using the home in a different way i.e. sleeping in a ground floor room or sub dividing space;
- That providing additional space within a home is only considered if all other options have been fully exhausted and if it is practicable to provide additional space.

Where a recommendation has been made by an Occupational Therapist that doesn't fall within the above legislative criteria, the referral will be sent back to the Occupational Therapy team for review and determination under the Care Act requirements for the individual.

## **2.4 Maximum Assistance**

Maximum statutory grant is currently £30,000 per application.

## 2.5 Method of Application

Applicants should contact the Council's Community Occupational Therapy Service in the first instance so they can undertake an assessment of needs. Once this has been completed, the Private Sector Housing team will require a copy of the Occupational Therapist's referral before they can progress an application.

The Council will prioritise applications for mandatory Disabled Facilities Grants by the priority awarded to the applicant by the Community Occupational Therapist team. There are three different priorities that they award, these are Critical, Urgent and Standard.

Where possible the Council will not split an application which has multiple different priorities. On occasions, however, this may be necessary. For example, when an exceptionally high number of critical and urgent applications are received.

Applicants for the mandatory Disabled Facilities Grant must complete and submit an application form which is supported by:

- Plans and/or schedule of work with sufficient detail to enable the Council to determine whether the adaptation is practical and reasonable (although this is usually done in-house via the Council's surveyor after the application has been submitted)
- Evidence, usually in the form of original documents, to confirm the financial status claimed in the application form;
- Confirmation of tenure (Owner's Certificate or Tenant's Certificate see 'eligibility' below); and
- The Council requires original documents or copies that have been endorsed by an Officer of the Council or appointed agent to confirm that the original was viewed by them and that the copy is an accurate reproduction of the original.

Once an OT referral and application have been submitted, the Private Sector Housing team will explore options with the applicant, to establish whether remaining in their current home or moving to suitable alternative accommodation with adaptations better meets the applicant's needs and provides a more cost-effective solution. If after options have been explored, the applicant decides that they wish to remain in their existing home, an Officer will conduct a means test of resources prior to making a referral to the Occupational Therapy Service.

## 2.6 Eligibility

The applicant must:

- Be aged 18 or over on the date of application (If the person with a disability is a child the applicant should normally be the parent or legal guardian).
- Be either the owner of the dwelling or be a tenant (including licensees), and be able to provide an Owner's Certificate or Tenant's Certificate. This will not necessarily be the disabled person for whom the works are required. A landlord may apply on behalf of a disabled tenant. Where an owner cannot provide proof of ownership with any legal documentation, other informal documents indicating ownership may be considered. If no such documents



can be sourced, a good reason should be provided. In such cases, approval will be subject to the discretion of the case worker.

- Satisfy a means test as prescribed by the Housing Renewal Grants Regulations 1996 (as amended), if the disabled person is an adult, unless the application is being made on behalf of a child.
- The adaptation must be for the benefit of a person who is 'disabled' within the criteria in section 100 of the Housing (Grants, Construction and Regeneration) Act 1996.
- The grant is available to applicants residing in North Northamptonshire.

## **2.7 Terms and Conditions Applicable**

The applicant, whether an owner occupier, tenant or landlord, must be able to provide a certificate which states that he/she intends that the disabled occupant will live in the qualifying property (dwelling, flat, houseboat or park home). In the case of a tenant's application, the landlord must agree to the works and produce an Owner's Certificate at the same time.

A minimum of two quotes are required with a preference that three quotes are sought for the cost of carrying out the work. In most cases the Council will tender for the works through the Northamptonshire countywide register of contractors. The only exception is where specialist equipment is required, and a lack of suitable contractors means it is not possible to obtain three estimates.

An applicant may only select their own contractors to provide quotes if they have taken the decision at the start of the process, following the Occupational Therapists (OT) recommendation to undertake the works themselves. The same rules apply for clients who have decided to undertake the process themselves and not wait for the Council to deliver their scheme.

Clients must provide to the Council a completed application form, a technical drawing and detailed specification meeting the OT requirements and a minimum of two quotes. The applicant must also provide the particulars of any preliminary or ancillary services or charges.

Only works that directly relate to the required specification will be undertaken under the grant. For example, a new tiled splashback will be provided to a new sink, however the grant will not retile the rest of the room in matching tiles.

The Council will decide on the winning quote based on suitability of meeting the disabled person's needs and best value. The applicant's preferences will be taken into account however, if there are no concerns on suitability, where an applicant has requested to use a certain contractor, who has submitted a higher price for the works than the winning contractor, the applicant will be required to pay the difference.

Where an applicant would like additional works to be undertaken as part of the process these must be discussed and agreed in writing with the winning contractor separately and in advance of the works commencing. The Council will not comment or engage in issues between the applicant and contractor on any works outside of the scope of those required in the OT recommendation and the contractor will invoice for these separately directly to the applicant.

In approving a grant application, the Council will require that as a condition of the grant, the eligible works are carried out in accordance with any specification they decide to impose.

The Council will not approve an application for assistance if the works involved have been carried out before the application has been approved, except where the relevant works have begun but have not been completed. In this case, the application may be approved if the Council is satisfied that there were good reasons for beginning the works before the application was approved. Where the Council decides to approve an application in these circumstances, it may decide to treat the application as varied so that the eligible works do not include any that are completed.

The specific works must be carried out within twelve months from the date of the approval of the application. This period may however be extended by the Council if it thinks fit, particularly where it is satisfied that the eligible works cannot be, or could not have been, completed without carrying out other works which could not have been foreseen when the application was made.

If following grant approval, but before the certified date of completion, the applicant ceases to be a person entitled to a grant, the Council may refuse to pay a grant and demand that any instalment be repaid.

Where an application for grant has been approved and the Council ascertains:

- that the amount of grant was determined on the basis of inaccurate or incomplete information; and
- exceeds that to which the applicant was entitled; or
- that without its knowledge the eligible works were started before the application was approved; or
- the works were carried out otherwise than as required (condition as to contractors employed).

The Council may refuse to pay the grant or any further instalment of the grant which remains to be paid; or make a reduction in the grant and it will demand repayment by the applicant in whole or in part of any grant paid.

The payment or part payment of grant is conditional upon the eligible works, or corresponding part of the works, being completed to the satisfaction of the Council and upon the authority being provided with an acceptable invoice, demand or receipt for payment for the works and any related preliminary or ancillary services or charges. For this purpose, an invoice, demand or receipt is acceptable if it satisfies the Council and is not issued by the applicant or a member of his family. In cases where the work is carried out by the applicant or a member of his/her family, then grant assistance will be limited to the cost of materials only. Where the assistance is paid by instalments, the aggregate of the instalments paid before the completion of the eligible works shall not at any time exceed nine-tenths of the amount of the assistance.

It is a condition of payment that the specific works are carried out by the contractor, whose quote accompanied the application or, where two or more estimates were submitted, by one of those contractors.

The Council may pay the full, or part of the, assistance by direct payment to the contractor(s), or by delivering to the applicant an instrument of payment in a form made payable to the contractor. However, in any case, the Council will not do so unless the applicant was informed before the application for assistance was approved that this would or might be the method of payment.

Where the works in question have not been completed to the satisfaction of the applicant, the Council may, at the applicant's request, and if the Council considers it appropriate to do so, withhold payment from the contractor. If the Council does withhold payment from the contractor, it will work with both the applicant and contractor to bring the matter to a satisfactory conclusion with the agreement of all parties. The Council can proceed with a payment to the contractor despite the applicant's wish to withhold payment, if this is not justified. For example, if the applicant's justification is malicious or if the relationship between the applicant and the contractor broke during the works.

The contract of works is between the applicant and the contractor. The Council will not be liable in any way whatsoever, contractually or otherwise, for the payment of any works carried out by the contractor under the terms of the assistance.

Where an adaptation has been completed and signed off by the client, contractor and council the case is then closed. Any issues arising after completion is for the client to resolve with the contractor. The DFG grant is a one-off payment and does not include any ongoing maintenance, this includes all installed equipment such as stairlifts, through floor lifts, step lifts, showers etc. Where manufacturers or installers offer an extended warranty, the council will include payment for this as standard in all relevant cases, for whatever the extended period may be in each case. However, the council is not responsible for dealing with future issues. The applicant remains responsible for ensuring all ongoing maintenance obligations are fulfilled.

Where the applicant dies after liability has been incurred or any preliminary or ancillary services or charges, the Council may pay grant for some or all of the works already carried out and other relevant works and associated preliminary or ancillary services or charges covered by the application.

Where the applicant dies after the relevant works have begun and before the certified date of completion, the Council may pay grant for some or all of the works already carried out and other relevant works covered by the application. The applicant must take reasonable steps to pursue any relevant insurance or legal claim, if applicable, and to repay the grant from the proceeds of such a claim.

During the grant condition period where the eligible works consist of or include the installation into the property of either or both specialist equipment or portable accommodation for the disabled occupant, the applicant shall notify the Council if and as soon as the equipment and/or portable equipment is no longer needed so that the Council can explore the possibility of reusing it.

## **2.8 For applicants who own the property**

In the event of a grant exceeding £5,000, it is a condition of the grant that the Council may demand the repayment by the recipient of such part of the grant that exceeds £5,000 (but may not demand an amount in excess of £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 Council, having considered:

i The extent to which the recipient of the grant would suffer financial hardship were he or she be required to repay all or any of the grant;

ii Whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his/her employment;

iii Whether the 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 by reason of disability or infirmity,

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

This condition is a local land charge and is binding on any person who is for the time being an owner of the dwelling.

## **2.9 Processing an application**

The Council will notify the applicant in writing as soon as reasonably practicable and, in any event not later than six months after the date of the application concerned, whether the application is approved or refused.

Where the Council decides to approve an application for assistance it will determine:

- Which of the works are eligible for assistance. Such works will be referred to as 'eligible works';
- The amount of the expenses which in its opinion are properly to be incurred in the execution of the eligible works (the eligible expense);
- The amount of assistance the Council has decided to pay;

- If the Council approves the application for assistance, it will notify the applicant in writing that the application is approved and the notification will specify the eligible works, the amount of eligible expense and the amount of assistance payable;
- If the Council notifies the applicant that his/her application for assistance has been refused, then the Council will, at the same time, advise the applicant of the reasons for refusal;
- If the applicant wants the grant money to be paid to another agent or direct to a contractor, they must inform the Council.

## **3.0 Discretionary Disabled Facilities Grants**

### **3.1 Purpose of the Assistance**

Discretionary Disabled Facilities Grants shall only be made available to complement mandatory Disabled Facilities Grants, and shall be limited to:

1. Contributing to the cost to repair and make good to wall, ceiling or floor finishes disturbed by work to provide adaptations funded by mandatory Disabled Facilities Grants. In the interests of clarity, it is not always possible to match finishes back into existing finishes appropriately or to a reasonable standard, for example, colour, finish type, or tile type may be obsolete.
2. Paying for an extended warranty towards equipment such as stair lifts, hoists, through floor lifts, step lifts, etc.
3. Contributing towards the cost of an applicant's means test where the means test has established that the applicant has to pay a contribution and yet they don't have savings of over £6,000.
4. Contributing an additional amount towards works that are recommended by the Occupational Therapist and those works that cost more than the mandatory grant limit of £30,000. For example, a ground floor extension to provide a bedroom and level access shower room is deemed the most reasonable and practical way of meeting the applicant's need but the cost of this work is above £30,000. The Discretionary Disabled Facilities Grant can be used to top up the maximum grant award possible.

Where this is the case, the Council will include such work as eligible discretionary works that are complementary to those identified as mandatory.

### **3.2 Maximum Assistance**

The maximum contribution that the Council shall make towards the cost of discretionary works shall be £1,000 in total for points 1, 2 and 3 listed above and £10,000 in total for point 4 listed above. In the interests of clarity, no applicant can receive more than £1,000 in total towards points 1, 2 and 3 listed above. Furthermore, no applicant that qualifies under point 4 listed above, can receive more than £10,000 worth of Discretionary Disabled Facilities Grant. Any award of Discretionary Disabled Facilities Grant shall be shown separately to an award of Mandatory Disabled Facilities Grant.

### **3.3 Process for Discretionary Disabled Facilities Grants**

Additional specifications shall be included along with those eligible works identified under a Mandatory Disabled Facilities Grant and the award shall be made by Officers authorised to approve a mandatory Disabled Facilities Grant at the time the mandatory grant is awarded. These works shall not be considered as extras to any mandatory Disabled Facilities Grants and must be approved at the same time as the mandatory Disabled Facilities Grant.

### **3.4 Terms and Conditions Applicable**

Discretionary Disabled Facilities Grants will be subject to the same terms and conditions as mandatory Disabled Facilities Grants. They will only be available subject to budget allocation, and on a priority needs basis. As these are discretionary grants, they may be withdrawn at any time.

### **3.5 Maintenance**

A discretionary Disabled Facility Grant is in effect a one off, good faith payment, to provide a specific adaptation. Any ongoing maintenance, servicing or guarantees becomes the responsibility of the grant recipient on completion of the grant works. Any equipment provided through a discretionary grant will be covered by the standard warranty and after this time all maintenance and repairs are the responsibility of the applicant. The client can request a quote for extending the manufacturer's warranty of which they can take out at their own cost.

## **4 Other Discretionary Housing Grants**

### **4.1 HomeMove Grants (Private Sector)**

#### **4.1.1 Purpose of the Assistance**

HomeMove Grants will be provided to fund more cost-effective alternatives to providing a mandatory Disabled Facilities Grant. For example, the relocation costs for a disabled applicant to move to an alternative home that is more appropriate for their immediate and long-term needs and that move (together with any costs of adapting the new home) is cost effective compared to remaining in their own home.

#### **4.1.2 Eligibility**

The applicant must:

- Be aged 18 or over on the date of application (If the person with a disability is a child the applicant should normally be the parent or legal guardian).
- Be either the owner of a dwelling or be a tenant of a private landlord or Registered Provider.
- Satisfy a means test as prescribed by the Housing Renewal Grants Regulations 1996 (as amended), if the applicant is the disabled person, unless the application is being made on behalf of a child.
- The HomeMove Grant must be for the benefit of a person who is 'disabled' within the criteria in section 100 of the Housing (Grants, Construction and Regeneration) Act 1996.
- The grant is available to applicants residing throughout North Northamptonshire and who are moving to suitable alternative accommodation located within or outside of North Northamptonshire.

#### **4.1.3 Access Criteria for a HomeMove Grant (Private Sector):**

The applicant must be eligible for a mandatory Disabled Facilities Grant as outlined in the criteria above. The Council will assess the costs of adapting the existing dwelling as well as the proposed dwelling to establish the costs and benefits of pursuing a HomeMove Grant (Private Sector) compared to a mandatory Disabled Facilities Grant.

Full cost estimates will be presented in a report to an Officer with appropriate delegated authority under the Council's constitution to decide whether or not the HomeMove Grant will be approved.



#### **4.1.4 Maximum Assistance**

The Council must be satisfied that there are tangible benefits for the HomeMove Grant (Private Sector) to be awarded as an alternative to an adaptation funded by a mandatory Disabled Facilities Grant. Such benefits will either be as a cost saving to the Council, or in the event that the cost of each option is broadly similar, tangible benefits to the disabled applicant.

The maximum amount payable as a HomeMove Grant (Private Sector) will not exceed £6,000. The total amount payable will be based on the cost of adaptations to the new home up to a maximum of £5,000, together with up to £1,000 to cover other expenses including removals, etc.

#### **4.1.5 Process for HomeMove Grants (Private Sector)**

Given the flexible nature of this option, any decision to award or refuse the HomeMove Grant (Private Sector) will be taken by an officer with appropriate delegated authority under the Council's constitution, following the submission of a report compiled by a case officer.

The decision shall be made within 6 months of the completed submission (the date at which the case officer confirms they have sufficient information to compile the report) and shall be in writing. In the event of a refusal, the letter shall include the reason for that refusal.

The Council will reserve the right to consult with an Occupational Therapist from the Occupational Therapy Service in respect of the suitability of this option.

#### **Terms and Conditions Applicable**

The HomeMove Grant (Private Sector) is payable at the discretion of the Council and will only be awarded where there are tangible benefits for both the applicant and the Council.

## 4.2 Renovation grants

### 4.2.1 Purpose of the Assistance

Renovation grants are discretionary grants to help vulnerable households on low incomes to carry out repairs and improvements to their home to enable them to bring the property up to the Decent Home Standard.

<b>Renovation grant - eligible works</b>
To prevent a category 1 hazard in a dwelling as defined in Part 1 of the Housing Act 2004 and category 2 hazards where they may be encountered by a member of a vulnerable group.
To provide adequate thermal insulation, improve energy efficiency and provide affordable warmth.
The replacement of a condemned boiler; or provision of a central heating system or night storage heaters where none exists, or it is beyond repair
Repair or replacement of existing old, unreliable central heating boiler where the owner is on a means tested benefit. If they don't meet ECO/ FE criteria
Repair or renewal of the fabric or facilities to bring dwellings that have been empty for at least 3 years back into use.
<b>Landlords Renovation grants – eligible works</b>
Repair or renewal of the fabric and facilities to bring dwellings that have been empty for at least 3 years back into use
Repair or renewal of the fabric and facilities to bring properties back into use as accommodation into which the council can discharge its homelessness duties.
The conversion of unused space over shops in the town centre to form living accommodation.
The replacement of a condemned boiler; or provision of a central heating system or night storage heaters where none exists, or it is beyond repair

<b>Home Repair Assistance - eligible works</b>
Essential minor repairs and safety improvements to the living accommodation and access paths/walls immediately adjoining.
<p>Any of the following Improvements:</p> <ul style="list-style-type: none"> <li>• Security work recommended by the Community Safety/Crime Prevention Officer.</li> <li>• Insulation and draught proofing work where the applicant is unable to secure Energy Company Obligation (ECO) funding.</li> <li>• Additional plug sockets</li> <li>• Upgrading re-wireable fuse boxes / consumer units and electrical earthing</li> </ul>

#### **4.2.2 Eligibility**

Renovation and Home Repair Assistance grants will be limited to:

- Owner-occupiers, charities and qualifying tenants over 18, on means tested benefits or subject to the definitions and means test introduced by the Housing Renewal Grants Regulations 1996 (as amended) to provide essential maintenance and remove category 1 hazards.
- Home Repair Assistance (HRA) for owner-occupiers on a means tested benefit including council tax support.
- Landlords for conversion of empty accommodation into living accommodation.
- Owners of dwellings that have been empty for more than three years.
- Where the tenant is in fuel poverty.

#### **4.2.3 Maximum Assistance**

A maximum of £10,000 will be applied to renovation grants, with conversion grants limited to a maximum of £5,000 per unit of accommodation created.

#### 4.2.4 Terms and Conditions

- i) Owner occupiers and leaseholders (of more than 5 years) will be subject to the means-test detailed in the Housing Grants Regulations 1996 (as amended) with the following adjustments:
  - The value of the applicant's home will be taken into account where the application relates to another property which is to be occupied by the applicant and/or his family
  - An applicant applying for a grant to remedy fuel poverty will not be subject to further means testing beyond the affordable warmth calculation
  - 100% Renovation Grant will be provided to vulnerable households in receipt of universal credit, income support, guarantee pension credit, income-based job seeker allowance, council tax support, and either working tax credit or child tax credit with an income of less than £15,050
- ii) Landlord renovation grants will be on the basis of 50% of the cost of approved work.
- iii) Making good damage to decoration resulting from grant work will not be included.
- iv) Renovation grants for owner occupiers are subject to a 30-year grant condition period requiring the repayment of the grant in the event the property is sold or transferred or of failure to comply with the grant conditions protected by a local land charge.  
N.B. Applicants on means tested benefit, who have no equity in their property or less than 30 years remaining on their lease will be exempt from the condition for grant repayment.
- v) Landlords' renovation grants are subject to a 5-year grant condition requiring repayment of the grant in the event the conditions aren't met, and also protected by a local land charge. Also, it is a requirement that the property is let on the open market for 5 years after the work is completed.
- vi) Work that is normally covered by buildings insurance (with the exception of the retention sum) is not eligible for grant assistance.

## **4.3 Landlord Improvement Grants**

### **4.3.1 Purpose of the Assistance**

The purpose of the Landlord Improvement Grant is to provide grant assistance to private landlords to fund minor repairs or improvements to their properties to ensure that the Council's prescribed standards for privately rented accommodation offered to households who are homeless or threatened with homelessness are met. This would include existing tenants where the landlord agrees to issue a new fixed term tenancy of at least 6 months.

### **4.3.2 Eligible Works**

Any minor repairs or improvements that are required to ensure that the property meets the suitability requirements of Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, and in the case of an HMO any works identified to ensure that the property complies with the Council's adopted Amenities and Space standards.

### **4.3.3 Eligible Landlords**

Private landlords aged 18 years or over are eligible to apply for a Landlord Improvement Grant if they have a property in North Northamptonshire that is available for single occupancy or as a house in multiple occupation (HMO) and:

- Their property is currently empty (or likely to become empty within 56 days) and they agree that the property will be occupied by a household/s nominated by the Council for a minimum of six months; or
- Their property is currently tenanted and occupied by a household owed a prevention or relief duty under the Homelessness Reduction Act 2017 and the Council has no reason to believe that the household would be eligible for temporary accommodation should their tenancy not be renewed, and the landlord agrees that the existing tenant can remain in occupation for a further minimum period of six months.

The following eligibility criteria also apply:

- The property must meet all other suitability requirements as stipulated in Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 that are unrelated to physical property condition (e.g. HMO's must be licensed, or have submitted an application for licensing that is likely to be granted, if subject to mandatory licensing).
- The landlord must not be subject to any recovery procedures for monies due to the Council, and/or have any outstanding enforcement notices issued by the Council.

#### **4.3.4 Maximum Assistance**

The maximum grant payable is £1000 per property. There is no limit to the number of grant applications a landlord can make.

#### **4.3.5 Terms and Conditions Applicable**

The Council reserves the right to refuse to award the Landlord Improvement Grant despite all eligibility criteria being met, for example:

- if the council tax band is so high that it is regarded as unaffordable for the tenant or prospective tenant;
- if the property has been built within the past 10 years and is still under a NHBC warranty;
- the landlord has failed a fit and proper person test e.g. as part of a HMO license application
- The landlord has failed to take remedial / improvement action following an enforcement notice
- This list is not exhaustive.

## **5 Criteria Applying to all Grant Funding**

### **Availability of Funding**

Notwithstanding all other qualifying criteria, approval of any application for grant funding is subject to sufficient funding being available.

### **Appeals Against Refusal or Rejection of Grant Funding Applications**

There is no automatic right of appeal against refusal or rejection of any discretionary or mandatory grant funding applications.

Complaints about refusal or rejection of any application can only be considered under the Council's complaints procedure.

## 6. Empty Properties

The financial benefits from restoring property are gained not only by the owners in additional rental income, or capital raised through sale, but also by the local authority in council tax income, new homes bonus and by the community with a better environment and increased employment opportunities.

Empty properties can become a target for nuisance, anti-social behaviour, and squatters; potentially causing blight and devaluing neighbouring properties. Additionally, they are a wasted asset and the impacts caused by empty properties can tie up the resources of local authorities.

As such, North Northamptonshire Council will have an ongoing programme to identify and encourage reoccupation of empty residential properties. Identification of empty properties may come about through review of council tax records, routine interventions from Council officers, and through intelligence or complaints from members of the public.

Where a residential property is a long-term empty, it will be considered for adding to the database for action.

Appendix A illustrates the scoring matrix used to prioritise action to bring empty properties back into use.

The Council will:

- provide advice and encouragement to owners in respect of how to become a landlord and the referral of potential tenants;
- work with Registered Providers (RP's) who may be interested in managing, leasing or purchasing property and consider financial assistance;
- consider grant for repairs and improvements;
- use internal and external working groups for the exchange of ideas and information;
- identify long term vacant and difficult to let buildings and create a database for ongoing assessment and prioritisation
- contact with owners to offer advice and discuss available options
- survey town centres to identify the opportunities for 'flat over shop' conversions
- intervene in the case of properties seriously detrimental to the amenity of the vicinity.

In line with local authorities across the country, the Council no longer provides a council tax discount for empty properties. For all empty properties additional council



tax is charged depending on how long the property has been empty for. For more information please visit the council tax web pages.

The Council will usually try to work informally with owners and landlords to bring about reoccupation of empty properties. However, there may be times where a more formal approach is required. This might require use of formal actions such as repair notices or compulsory purchase or demolition.

The Council will use a range of tools and will work across different departments to tackle the various problems arising from or associated with empty residential properties.

The Compulsory Purchase Procedure is set out in full in the Private Sector Housing Enforcement Policy. This course of action would require committee approval and the process would have regard to the following criteria:

- ◆ Effect on the local amenity
- ◆ Length of time empty
- ◆ Complaints regarding the property
- ◆ State of disrepair
- ◆ Housing need locally for that type of accommodation

Compulsory purchase orders (CPOs) will not be made unless there is a compelling case in the public interest.

It is acknowledged that CPOs lead to a period of uncertainty and anxiety for owners and the statutory processes following a Council decision to make a CPO will be completed as quickly as possible, in order to keep this period to an absolute minimum.

## **7. Houses in Multiple Occupation**

A House in Multiple Occupation (HMO) is a building which is occupied by three or more occupants from more than one household and meets the standard test under section 254 of the Housing Act 2004.

### **7.1 What qualifies as an HMO?**

The Housing Act 2004 introduced a new definition of what makes up a household, restricting it to members of the same family (parent, child, grandparent, brother or sister), persons who are married to each other or live together as husband and wife (or an equivalent same sex relationship). This new HMO definition now includes shared houses such as student accommodation.

HMO licences are granted under the conditions of the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

### **7.2 Standards for HMOs**

Statistically HMOs pose a greater risk from fire to the occupants than do single-occupancy homes and living conditions are often poor compared to other forms of private sector housing.

The Council's main duty is primarily to ensure that accommodation is warm, safe, in good repair and free from Category 1 hazards under the Housing Health & Safety Rating System (HHSRS) under the Housing Act 2004. Additional standards for fire precautions, space, heating, washing facilities and kitchen provision must also be met. Appendix B illustrates the Amenity and Space Standards for HMOs that North Northamptonshire Council expects landlords and Licence Holders to adhere to.

Officers may inspect a property to ensure it meets the current housing standards and take enforcement action where necessary. HMOs such as bedsits and shared houses must also be managed in accordance with the HMO Management Regulations 2006.

### **7.3 Licensing of HMOs**

The Housing Act 2004 introduced a system of mandatory licensing of HMOs and requires landlords to apply to the local Council for a licence to operate some types of HMOs.

### **7.4 Do I need an HMO licence?**

Properties are required by law to be licensed by the local authority if the property is let to five or more tenants who form more than one household.

It is an offence to operate a licensable HMO without a licence from the local authority. You cannot legally collect any rent on the property and upon prosecution maybe subject to an unlimited fine, alternatively the authority may impose a civil penalty of up to £30,000 per offence. Tenants may also seek a rent repayment order.

## 7.5 Licence requirements

To obtain a licence the local authority must be satisfied that:

- the property meets the current minimum prescribed housing and fire safety standards to ensure it is safe for tenants;
- the property meets minimum prescribed amenities standards, such as an adequate number of bathrooms and cooking facilities;
- the landlord or managing agent is a "fit and proper" person;
- the property and tenancy agreements are managed appropriately.

Conditions are attached to the licence:

- May include the requirement to provide a written statement of terms of occupancy.
- Will state which rooms within the property maybe used for sleeping purposes and how many occupants and households each can accommodate.
- Additional conditions maybe agreed with the licensing officer in cases where the property does not meet the space and amenities standards but works to rectify the issue(s) can be completed within a reasonable time frame agreed with the Officer.

The licence lasts for up to five years, but the local authority may issue a licence for a shorter period of time if deemed appropriate. The licence will specify the maximum number of occupants and households that may occupy the property. A copy of the licence must be displayed prominently in the property.

A public register of all licensed HMOs in North-Northamptonshire is available on the Licensing Unit website at: [\(INSERT WEBLINK\)](#)

## 7.6 Apply for an HMO licence

To make an application please contact the Licensing Administration Unit by telephoning (01832) 742102 or emailing: [LicensingUnit@northnorthants.gov.uk](mailto:LicensingUnit@northnorthants.gov.uk)

## 7.7 Licence fees

Each application must be accompanied by the application fee. A separate fee will be due upon grant of the licence. Licence fees are set annually by the Council.

Regulation of HMOs is covered under the Private Sector Housing Enforcement Policy.

## 8.0 Immigration Inspections

### 8.1 Housing inspections and accommodation certificates

People immigrating to the UK from outside the EEC must confirm that the housing they're moving into will be suitable. (At the time of writing, it is unknown what impact, if any, Brexit may have on this arrangement)

The Immigration Authority asks the 'sponsor' for written proof that this is the case. The British High Commission normally asks for an inspection to be carried out by a suitably qualified surveyor or Environmental Health Officer.

The inspection and report or letter needs to show that the accommodation:

- doesn't pose a significant risk to the health or safety of those who will be living there
- is in a reasonable state of repair and will not become overcrowded with the extra people living there.

We can carry out this type of inspection for properties within North Northamptonshire.

There is a charge for this service and the current fee can be confirmed by contacting the Private Sector Housing team. The charge covers the cost of the inspection, associated administration and a letter stating the suitability of the property. The fee must be paid in full before the inspection takes place.

North Northamptonshire Council offer a standard and fast-track service for Immigration Inspections.

When you contact us (details below), we'll ask for the following information:

- Your name and telephone number
- The address we need to inspect and details of the owner and/or letting agent
- The full name, date of birth, current address and passport number of the applicant
- The name, date of birth and sex of all of the current occupiers of the property and how they are related to you

When we receive this information, an Officer from the Private Sector Housing Team will be in touch to arrange a suitable date and time for the inspection to take place.

The inspection will consider the general state of repair of the property and check if there is adequate space and facilities for the increased number of people.

You'll be asked to show us around the property, show how the property is occupied and we'll need to have access to all rooms. Please be aware that the Immigration Authorities won't normally accept letters older than 12 weeks. If your letter 'expires' or there is a change in circumstances since it was written, we'll need to carry out a further inspection which will incur another fee.

## **9.0 Support for Tenants - Homes (Fitness for Human Habitation) Act 2018**

The Homes (Fitness for Human Habitation) Act 2018 came into force on 20 March 2019. The aim of the Act is to help drive up standards in rented homes in both the social and private sectors and provide an alternative means for tenants to seek redress from their landlord if their rented property presents a risk of harm to the health and safety of the occupiers. It does this by empowering tenants to hold their landlord, including registered providers such as housing associations, to account without having to rely on the local authority to do so.

This is a power for tenants and does not alter any existing local authority powers.

However, local authorities can decide whether they wish to give guidance to tenants to seek redress under the Act. The Act adds to the existing regulatory framework. Under the Act, sections are inserted into the Landlord and Tenant Act 1985 requiring all landlords (private and social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout. The Act does so by implying a covenant to this effect in the tenancy agreement.

The Act applies to the social and private rented sectors and, while it does not impose any new responsibilities on landlords, it does confirm that:

- landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of the tenancy and throughout
- to achieve that, landlords will need to ensure that their property is free of hazards which are so serious that the dwelling is not reasonably suitable for occupation in that condition

Where a landlord fails to do so, the tenant has the right to take action in the courts for breach of contract on the grounds that the property is unfit for human habitation. The remedies available to the tenant are an order by the court requiring the landlord to take action to reduce or remove the hazard, and / or damages to compensate them for having to live in a property which was not fit for human habitation.

North Northants Council is a stock holding authority and with the aim of avoiding a conflict of interest, all social and Council tenants will be referred to the complaints procedure of their landlord. North Northants Council will seek only to give guidance in such cases and will advise tenants to seek their own independent legal advice and follow the guidance available on the Shelter website.

## 9.1 The Act applies to:

- tenancies shorter than 7 years that are granted on or after 20 March 2019 (tenancies longer than 7 years that can be terminated by the landlord before the expiry of 7 years shall be treated as if the tenancy was for less than 7 years)
- new secure, assured and introductory tenancies (agreed on or after 20 March 2019)
- tenancies renewed for a fixed term (on or after 20 March 2019)
- assured shorthold and introductory tenancies that become periodic tenancies on or after 20 March 2019

For pre-existing periodic or secure tenancies, landlords will have 12 months after 20 March 2019 before the requirement comes into force.

## 9.2 Exceptions

The landlord will not be required to remedy unfitness when:

- the problem is caused by tenant behaviour which is in breach of the tenancy
- the problem is caused by unforeseen circumstances beyond the landlord's control
- the problem is with tenants' own possessions
- the landlord has not been able to get necessary consent despite making reasonable efforts to do so, e.g. planning permission, permission from freeholders etc
- the tenant is not a person e.g. local authorities, national parks, housing associations, educational institutions

The Act does not apply to licences to occupy. This is likely to exclude some temporary accommodation, lodgers and some property guardians, depending on whether they have a tenancy agreement or licence to occupy. Local authorities can still use their enforcement powers in these circumstances.

North Northamptonshire Council Private Sector Housing team will offer guidance to any tenants' enquiries about the Fitness for Habitation Act. In instances where a grievance made by a tenant falls under the scope of the Council's duty to investigate, then the standard enforcement procedure will be followed, as set out in the Enforcement Policy. In these cases, tenants can request from the Council any reports, witness statements, notices, photos or any other forms of evidence obtained through the course of the investigation.

If the grievance is made by a social or Council tenant, they will be advised to seek assistance from an independent legal body or seek advice from Shelter. The courts do not consistently require factual reports of inspections carried out by an authorised body. However, if such evidence is deemed necessary in complex cases, then tenants can obtain reports of inspections carried out by an independent body.

If North Northamptonshire Council does not have a duty under the legislation, to investigate the grievances put forward by the tenant, then it will use its discretion to refuse support for Fitness for Habitation claims.

# APPENDIX A – Empty Property Scoring Matrix

## North Northamptonshire Council – empty property scoring matrix

Address: Score

### Length of time vacant (max 80 points)

Less than six months	0
6 months – 1 year	10
1 year – 2 years	20
2 years – 3 years	40
3 years – 4 years	50
4 years – 5 years	60
5 years plus	80

### Property type (max 20 points)

Flat in private block	5
Flats over shops	10
House	20

### Appearance (max 15 points)

Good	0
Overgrown	10
Poor repair	15

### Enforcement action already taken (no maximum)

Notices – points awarded per notice	10
Enforcement by other agencies per action	10

### Council tax arrears (max 40 points)

0-1,000	5
1,000 – 2,000	10
2,000 – 3,000	20
3,000 – plus	40

### Dangerous structure notice served (assessed by building control) (max 50 points)

No	0
Yes	50

### Complaints (max 20 points)

One score per complainant (up to maximum of 4)	5
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**Total**

**Date**

# **APPENDIX B – Amenity & Space Standards for HMOs**



# *A Landlord's Guide*

## **Amenities and space standards for Houses in Multiple Occupation**



## Using this guide

Not all of the standards contained within this document are legal requirements, however the standards contained within this guide have been adopted by the majority of Local Authorities in the East Midlands. This includes Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire.

The standards are usually regarded as a **MINIMUM** but are a guide only. Other factors or compensatory features will be taken into account when inspecting a property, therefore allowing for a degree of flexibility in certain circumstances. These factors could include the shape of the usable living space, or the needs and wishes of the occupants.

## Notes

### Kitchens

- All kitchens shall be of such a layout and size to adequately enable those sharing to safely store, prepare and cook food.
- Shared kitchens must be suitably located, normally not more than one floor away from any living accommodation except where dining room is provided next to kitchen.
- All equipment and facilities in kitchens shall be fit for purpose.

### Bathrooms

- Any person with access to an en-suite facility shall be excluded from the calculations.
- Bathrooms and WCs must be of an adequate size and layout and be adequately heated and ventilated and should include humidistat-controlled extraction.
- All rooms in which a WC is located shall have a wash hand basin in the same room.
- All baths, showers and wash hand basins shall be fit for purpose and have taps supplying an adequate supply of hot and cold water.
- Bathrooms and WCs must be suitably located, not more than one floor away from any living accommodation.

### General

HMO's with 5 or more occupants require a licence, please contact the Licensing Unit on 01832 742057.

Accommodation must have adequate means of space heating.

All areas should be fitted with appropriate fire detection and fire precaution equipment. Please contact your local Fire Officer to arrange an inspection.

HMO's with 6 or more occupants and those requiring any kind of building works may require building control approval.

HMO's of 7 or more occupants will require planning consent. Please contact the Planning and Building Control Departments for more information.

## Amenities

Minimum requirements for Houses in Multiple Occupation (HMOs)

### Bathroom requirements

Occupiers	Up to 4	5	6 - 10	11 - 15
Shared WC with wash hand basin with splashback	1	1	2	3
Shared bath or shower	1	1	2	3
		WC must be in it's own separate room	One WC must be in it's own separate room	Two WCs must be in their own separate rooms

### Kitchen requirements

Item	HMOs where occupants live as a cohesive group i.e. shared house	HMOs with more distinct units of accommodation and where occupants tend to live separately i.e independent living	Households within HMOs who have exclusive use of facilities i.e. bedsits
Cooker	Oven, grill and 4 ring cooker for every 5 occupants	Oven, grill and 4 ring cooker for every 3 occupants	Grill, oven and two hot rings (for a single person), or four hot rings (for a
Microwave	Optional – may allow extra sharing of cooking facilities at the council's discretion		

Kitchen sink	Sink and drainer with hot and cold water supply for every 5 occupants		Sink and drainer with hot and cold water supply
Worktop	Depth – min 500mm Length – 0.5m per person for first 3 occupants plus 0.25 for each additional occupier		Depth – min 500mm Length – 1m per person
Electrical sockets over worktop	At least 4 sockets for every 5 occupants (excluding those in use for fridge, washing machine etc). Increase number proportionately for extra occupants		At least 4 sockets excluding those in use for fridges etc.
Dry Food storage	Single wall unit for each occupant	Double wall unit for each occupant	Double wall or single base unit for one person (proportionately more for households)
Fridge (with freezer compartment or separate freezer)	Standard size fridge with freezer compartment for every 5 occupants	Standard size fridge with freezer compartment for each household	Standard size fridge with freezer compartment
Refuse disposal	Please follow your Local Authorities waste disposal scheme		
Ventilation	A mechanical extraction fan in accordance with Building Regulation requirements		

## Space standards

Minimum requirements for Houses in Multiple Occupation (HMOs)

### Bedroom requirements

\*The minimum legal requirement for a 1 person room is 6.51sqm and 10.22sqm for 2 persons

	1 person Room	2 person Room	3 person Room	4 person Room
Bedroom with no lounge or dining space elsewhere and cooking facilities not provided in bedroom	10 square metres	15 square metres	20 square metres	25 square metres
Bedroom with adequate lounge or dining space elsewhere & cooking facilities not provided in bedroom	8 square metres*	12 square metres*	17 square metres	22 square metres
Bedrooms with cooking facilities provided in the room	14 square metres	18 square metres	23 square metres	28 square metres

### Living areas

<b>Kitchens</b>	7sqm if used by 1-5 persons
	For over 5 persons an additional 3sqm per person sharing the kitchen
<b>Dining Space</b>	2sqm per person (for those sharing the space)
	<b>Any dining space (shared or for exclusive use) shall be suitable, and conveniently located (normally not more than one floor from the living unit)</b>