

Decant Policy and Procedural Guidelines for Tenants at Telford Court

Policy and procedural guidelines for supporting tenants during the decommissioning of Telford Court.

BACKGROUND

1. St Albans District Council (SADC) is committed to supporting the needs of tenants in all aspects of service delivery. The Council recognises that some tenants may have specific support needs because of physical or mental frailty, health infirmity, disability, or other life circumstance. Some tenants may therefore require additional help and assistance with rehousing because of the decommissioning of Telford Court.

2. SADC staff will work in partnership to ensure that individuals' needs (as recorded) are adhered to at every stage of the rehousing process.

3. SADC will support tenants as much as possible through staff within the Housing department. This includes the Council's Affordable Housing Officer.

4. This policy determines the way in which SADC assists tenants in accessing suitable alternative accommodation because of the loss of their home. It explains how all accommodation is allocated under the Choice Based Lettings system. It outlines how the housing needs of tenants, who are required to move because of decommissioning of Telford Court, are prioritised within this system.

5. The document also explains the circumstances in which 'Home Loss' compensation and 'Disturbance Payments' to cover the costs of moving are made to tenants.

6. 'Decanting' is a term used in this process. The legal definition of decanting is the process where tenants are compelled to move from their homes because either their landlord or an authority with compulsory purchase powers has redevelopment plans for their home. These plans may involve demolition or major repair or improvement to the property.

7. Tenants who are compelled to move may have a legal right to compensation under the Land Compensation Act 1973. This is made up of a 'Home Loss' payment, which is intended as straight compensation for the loss of one's home and a 'Disturbance' payment, which is paid in arrears and calculated to cover removal costs and other associated expenses. The main points of the Act which concern Home Loss payments are:

- The tenant must be displaced from their home
- The displacement must have been a consequence of the proposed redevelopment or refurbishment of their home.
- The person displaced must:

- i. be a tenant of the Council; and
- ii. have occupied the premises for at least 1 year, (ending with the date of displacement) as his or her only or main residence.

REHOUSING PROCESS

8. Prior to being re-housed, tenants will be offered an opportunity to meet a housing officer to discuss the process. The officer will make notes regarding the tenants needs and preferences regarding their moves. The Council will make all reasonable efforts to accommodate tenant's housing requests, considering their housing needs, social and family networks and other individual factors (such as suitable provision for existing pets) and wishes to stay in close contact with friends.

9. Once an online housing application is made and registration is complete and housing register applications are live, tenants may bid or have auto bids placed for suitable accommodation within St Albans District. Tenants can receive additional support from Officers with this process if required. A leaflet (Registering for a Transfer Telford Court Tenants) is available giving more details about how to make an application. This will be given to all tenants.

The Choice Based Lettings system

10. Every tenant who is required to move because of redevelopment will be given full support with finding, applying, and moving into suitable accommodation through the St Albans Home Choice lettings system.

12. Tenants with additional support needs will be helped by the Affordable Housing Officer to bid for suitable alternative properties. Where tenants are unable to do this, or express a wish for more support, the Affordable Housing Officer can provide support to bid for suitable properties, or autobid can be set up on the applicant's behalf.

13. The Council will make every endeavor to match offers of accommodation to the identified needs of tenants but cannot guarantee the availability of St Albans Council owned accommodation that meets every preference. The satisfaction of individual's preferences will be dependent on the availability of stock and the necessity to adhere to reasonable decommissioning timescales.

Procedure for prioritising the needs of decant tenants

14. Tenants will be offered the chance to register at www.stalbanshomechoice.co.uk. This is not a compulsory requirement at this stage and tenants may choose to wait until the consultation period is completed or after this date. Early or late registration on St Albans Home Choice will not adversely affect tenants' rights to financial compensation at the point of moving or prohibit them from receiving the full range of assistance and support from St Albans District Council.

15. Tenants will be placed in Band A when their applications are made live. This is the highest priority for housing.

16. In some cases, St Albans District Council will pay 'Discretionary Expenses Payments' as a goodwill gesture up to the sum of £1,000 to cover the cost of agreed associated expenses. This sum will be payable upon receipt of a claim form and proof of expenditure.

17. Tenants will be eligible for a full Home Loss payment and disturbance payments. This includes assistance with removals, assistance with carpets and curtains, redirection of post and reconnection of services.

18. If tenants actively refuse to bid for properties that appear to meet their needs, the Council may bid for suitable alternative accommodation on their behalf.

19. If a tenant is successful in their bid, they will be offered the accommodation. The tenant may be considered for two or more offers, but this will depend on timescales. If properties are being refused on grounds not considered to be reasonable, the Council may need to take action to enforce a move to alternative accommodation. (Please see the legal framework section.)

20. Applications for the same property from two or more tenants needing rehousing will need to be prioritised. Typically, this will be in priority date order. Where applicants have the same priority date, applicants will be prioritised in the following order:

1. Medical needs including consideration of whether the property has adaptations or is it suitable for those that require ground floor.
2. Social and welfare needs. This will include consideration of families with children in flats within the tower block.
3. Floor level (high to low).
4. Tenants of 1-61 Telford Court.
5. Tenants of 62-81 Telford Court.

The final decision on who to offer the property will be the applicant that the Housing Options Team Leader (Supply) considers the property most suitable.

LEGAL FRAMEWORK

21. It is recognised that it may be necessary to take action for possession if a tenant refuses reasonable offers of accommodation. All reasonable steps will be taken to limit the need for this.

22. It is necessary to secure the Council's interest once the decommissioning programme has been announced. It is likely that all affected residents living on the estate concerned will be served with a Notice of Intention to Seek Possession. This is a legal notice and will be served on Ground 9 of the

Housing Act 1988 (later amended by the Housing Act 1996) which states that suitable alternative accommodation is available for the tenant or will be available when the order takes effect.

23. The Council will seek to avoid court action by working with tenants to reach a suitable outcome. Support will be available to tenants who may have trouble in bidding or accessing the information points where vacancies are advertised.

HOME LOSS PAYMENTS

24. Home Loss is a fixed sum payable to tenants to compensate them for the permanent loss of their home if they are compelled to move because of improvement or redevelopment work and cannot return to their original home.

25. Where a tenant chooses to move home, or ends their tenancy prior to the scheduled decant period, they will not be entitled to Home Loss or disturbance payments.

26. Only those with an outright legal interest in the property qualify for a Home Loss payment. Consequently lodgers, licensees or sub-tenants are not entitled to a payment.

27. Only tenants who have occupied their property as their only or principal home for at least 1 (one) year are entitled to claim a Home Loss payment. Furthermore, the tenant must be displaced from their home because of the proposed decommissioning to qualify for a Home Loss payment.

28. Statutory successors can add the length of residence of a deceased tenant to their own period of tenancy to satisfy the "1 (one) year requirement" as outlined above.

29. Where a tenant entitled to a Home Loss payment dies without making a claim, a claim may be made by any adult who lived in the property with the tenant for not less than 1 (one) year as their only or main residence. The claimant must be entitled to succeed to the tenant's estate under a will or under the intestacy rules, (where no will has been made).

30. Joint tenants are only entitled to 1 (one) Home Loss payment, which is fixed by statute as a single payment. More than one person may be entitled to a Home Loss payment. Joint tenants may claim, as may two or more persons entitled to benefit from a deceased tenant's claim. In these circumstances, the payment is shared equally between the claimants.

31. If decanting tenants have rent arrears or other debt to the Council at the time of moving, the Council will have the right to offset the Home Loss payment against the monies owed. Disturbance payments will not be withheld.

32. The Home Loss payment will only be made once an applicant has moved out and the Council have vacant possession. Accepted claims must be paid within the time limit set out in the Land Compensation Act.

33. The Home Loss payment will be processed once the keys to the original property have been returned to the Council. The Council reserves the right to dispose of any items left at the property once the keys have been returned.

34. By law, the Council must pay the Home Loss allowance to the tenant no later than 3 (three) months after the keys are returned to the former home.

DISTURBANCE PAYMENTS

35. Where a tenant is required to move on a permanent basis due to decommissioning of Telford Court, they are also entitled to disturbance payments under section 38 of the Land Compensation Act. These payments are compensation for the actual expenses involved in moving from one property to another.

36. A tenant need not have occupied their home for a minimum period to qualify for disturbance costs but must be required to leave their home as a consequence of the redevelopment or improvement.

37. The value of disturbance payments will vary according to the circumstances of each household. Costs covered by the Council include:

Removals

The Council will choose a selected removal contractor and pay them directly for the move upon receipt of the invoice. The contractor will have valid insurance. The Tenant can use their own removals company and be reimbursed the cost on the provision of 3 quotes.

Disconnection and reconnection of electric or gas cooker

The Council will pay the contractor directly and this will be either an approved electrician or a registered gas fitter.

Disconnection and reconnection of washing machine and dishwasher

The Council will pay the approved plumber direct.

Landline telephone and Internet and Subscription Television services disconnection and reconnection

The Council will reimburse the cost of transferring existing landline telephone connection to the new property, including the cost of transferring the existing telephone number (where this is possible).

NB: The Council cannot guarantee the re-connection of cable TV where it forms part of a telephone package.

Mail Redirection

The Council will pay the Post Office charge for six months, on production of a valid receipt.

Carpets

The Council will pay an approved contractor to supply and fit carpet to the new property. The Council will request a quote from the carpet fitter/firm for the carpet required, and the tenant will be able to select one colour from a specified range. Where residents wish to use a different floor covering, the Council will consider paying an allowance to the same value as the carpet quotation for those rooms.

Curtains

The general expectation is that the resident will maximise the refitting of existing curtains and only claim for the window areas where they cannot refit or adapt. Tenants will be asked to complete a claim form indicating which rooms require replacement curtains, and the approximate size of the window. The maximum reimbursement allowance will be £200 to include replacement curtains, tracks / rails.

38. Tenants should be aware that reasonable access will be required for measuring and surveying, which may need to be during normal office hours (Monday to Friday 9am-5pm) for some contractors.

39. The Council will decorate the property (white paintwork and walls) or reimburse the cost of the tenant appointing their own decorator on the provision of 3 quotes.

40. Other reimbursement may be considered where the expense incurred has been as a direct result of the move and could not have been avoided. Payment will only be made where legitimate receipts can be provided, and the expense has been agreed in advance with a representative from the St Albans Council.

PROCEDURE FOR CLAIMING HOME LOSS AND DISTURBANCE PAYMENTS

41. Once the tenant has accepted and signed the tenancy for their new home the Council will complete a Home Loss Payment Form to process the payment. This will be done once the keys for the previous property have been handed in and the Council have been granted vacant possession.

42. A representative of the Council will also complete a “decant progress sheet” with the tenant, indicating carpet choices and curtain allowances (if applicable). It is at this stage that the tenant should agree any additional disturbance costs that may be incurred because of the move. To avoid unnecessary expense to the tenant, the Council will endeavor to pay disturbance costs directly to approved suppliers and/or contractors. Where this is not possible, claims for disturbance costs will only be reimbursed to the tenant once the Council has received legitimate receipts/invoices. Accepted claims will be paid within 21 days of receipt.

43. Payments will be made by BACS only. Tenants will need to provide their bank account details. In the event of a tenant not having a suitable account for receiving monies, this must be discussed with the Affordable Housing Officer who will seek to make a special arrangement

CONSULTATION

44. The Council will consult with and seek to involve affected tenants in a variety of ways, suitable to the decommissioning. This may include.

- One to one meetings
- Consultation

45. Anyone who is dissatisfied with any aspect of the services provided by St Albans District Council can contact the Council by email, telephone, letter or in person to make a complaint.