

## Appendix A

### Lincolnshire Discretionary Housing Financial Assistance Policy

#### Policy overview

Discretionary Housing Financial Assistance (DHFA) may be awarded to assist people to live independently in their homes and communities where a person's needs cannot be met through a mandatory grant, as the assistance required is not within its scope or where extenuating circumstances necessitate.

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 allows Local Housing Authorities to directly or indirectly provide assistance, provided a policy is adopted and published setting out how it intends to use this general power to give assistance.

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Version	Draft v.7.4
Owner	<<Insert DC Owner>>
Attachments	1. Lincolnshire Discretionary Housing Financial Assistance Policy Explanatory Notes
Approved by	TBC - Draft
Review date	TBC - Draft

# **Lincolnshire Discretionary Housing Financial Assistance Policy**

## **1. Introduction**

- 1.1. This policy takes into account relevant legislation relating to administering grants to improve housing standards. It also considers the duties imposed on the public sector relating to equalities, ensuring that each case is considered on individual circumstances and needs.
- 1.2. The policy has been developed to ensure that the council is working towards the health and wellbeing priorities identified within its own corporate plans and strategies as well as those supported across Lincolnshire. These include the Joint Health and Wellbeing Strategy and the Lincolnshire Homes for Independence Blueprint, with actions being delivered through the Housing, Health and Care Delivery Group and its subgroups.
- 1.3. The Joint Strategic Needs Assessment (JSNA) for Lincolnshire, which assesses the current and future health, care and wellbeing needs of the local community to inform local decision making, has two topics that are particularly relevant for this policy – ‘Unsuitable Homes’ and ‘Poor Condition Housing’.
- 1.4. Amongst other information, these identify:
  - Lincolnshire has a population that is ageing above the national average and areas that are in the top 10% of the most deprived in the country.
  - Across Lincolnshire, the total population aged 65 and over with a limiting long-term illness whose day-to-day activities are limited is projected to increase from an estimated 87,539 in 2019 to an estimated 120,655 in 2035.
  - 18% of private sector stock in the county is estimated to have a serious (Category 1) hazard under the Housing Health and Safety Rating System (HHSRS).
  - 17% of the private sector stock in the county is estimated to be occupied by low-income households.

## **2. Policy objective**

- 2.1. To assist people who are unable to help themselves to live independently in their homes and communities for as long as possible.
- 2.2. Where a person's needs cannot be met through a mandatory Disabled Facilities Grant (DFG), as the assistance required is not within its scope or where extenuating circumstances necessitate, Discretionary Housing Financial Assistance (DHFA) may be awarded. The assistance will be subject to eligibility and provided for a range of purposes that support the national Better Care Agenda and reduces hospital admissions.
- 2.3. The range of purposes includes, but is not limited to:
  - helping an applicant to move to a suitable home (relocation)
  - topping up mandatory Disabled Facilities Grants
  - helping reduce delayed transfers of care (DTC), e.g. priority works needed to facilitate hospital discharge

- helping people stay safe, warm and well
- provide aids and adaptations for people with specific conditions e.g. dementia, learning disabilities, neurodiversity and sensory impairments
- Assisting with an applicant's contribution to a mandatory grant

2.4. For the purpose of improving living conditions in their area, in accordance with the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, the Local Housing Authority may also directly or indirectly provide assistance in any form to acquire, adapt, repair, improve, demolish or construct housing accommodation subject to the appropriate approvals.

### 3. Council awards and allocations

3.1. Councils are under no obligation to award Discretionary Housing Financial Assistance, however, subject to the availability of funding Local Housing Authorities may award assistance on a case by case basis with authorised officers able to approve up to £15,000.

3.2. Assistance over this value may be awarded in accordance with the Councils agreed panel approach or in line with their appropriate scheme of delegation as set out in the attached 'Discretionary Housing Financial Assistance Policy - Explanatory Notes (**Explanatory Notes**)'. The availability of other potential funding streams will be taken into account as part of this process.

3.3. The capital resources available for discretionary housing financial assistance will vary depending on the amount of funding allocated to the district councils from the Better Care Fund - a pooled budget between Lincolnshire County Council and the NHS Lincolnshire Integrated Care Board, received from the Department of Health and Social Care, and the Department for Levelling Up, Housing and Communities.

3.4. The amount passed to each district council by Lincolnshire County Council varies and is set by national government using a prescribed allocation methodology. Each district council will then internally budget for anticipated mandatory DFGs before considering discretionary housing assistance.

### 4. Eligibility

4.1. **Person** - To be eligible for assistance an application must be supported in writing by one of the following:

- Occupational Therapist or Community Care Officer
- GP or medical professional e.g. Practice Nurse
- Local Authority Officer e.g. Housing or Environmental Health Officer, Wellbeing Lincs
- Professional from another appropriate organisation (see Explanatory Notes)

4.1.1. The referral must set out the type and details of housing assistance they believe the person requires and the reasons they consider the assistance is required.

- 4.2. **Property** - To qualify for assistance the following must apply in relation to the property (except for assistance towards relocation costs, when not all will be applicable):
- The property must be, or is going to be, the primary or sole residence of the eligible person and, depending on the nature of the works, they must intend to reside in it for as long as reasonably practicable. The exception to this is where a parent has legally agreed periods of custody over a disabled child.
  - The owner of the property must give their consent for the required works. Assistance for works to rented properties will only be undertaken where the responsibility for the work does not rest with the landlord e.g. DTOC
  - The property must be reasonably and practicably capable of being adapted or improved to meet the needs of the person, having regard to the age and condition of the dwelling.
  - The property must be located within the council area where the application is being made.

- 4.3. **Financial** - To be eligible for Discretionary Housing Financial Assistance, the following criteria will be applied:

If you or your partner are in receipt of any of the following benefits, subject to meeting the other eligibility criteria, you are eligible for DHFA without further financial assessment:

- Universal Credit
- Income Support
- Income- Related Employment and support allowance (not contribution based)
- Income related Job seekers allowance (not contribution based)
- Guarantee Pension Credit
- Working Tax Credit and/or Child Tax Credit (where your annual income for the purposes of the tax credit assessment is below £15,050)
- Housing Benefit

- 4.3.1. If you are not in receipt of any of the above benefits, and depending on any local Council variations to this policy (see Explanatory Notes) a financial assessment (based on the mandatory DFG means test) will determine if you are eligible for DHFA, or if you need to make a financial contribution towards the cost of the required works. For the avoidance of doubt, this includes applications relating to disabled facilities for children.
- 4.3.2. The allowances within the financial assessment may be adjusted to take into account inflation depending on the applicant's circumstances i.e. amount of savings and or income, at the discretion of the council.
- 4.3.3. In exceptional circumstances (such as cases of end of life care), subject to the provision of appropriate supporting evidence (see Explanatory notes), the Local Authority may waive the financial assessment in order to expedite works up to the value of £8,000.

## 5. Financial assessment

- 5.1. The income and savings of couples, whether married or not will be included in the financial assessment, along with that of all other adults residing in the property (if

applicable). However, if there is clear evidence that other household members such as adult children or the applicant's parents, are already contributing appropriately to the household finances e.g. paying board and lodgings, this may be taken into account as income. Each case will be considered on its circumstances.

- 5.2. Any equity in the property you own and live in will be discounted along with a standard £6,000 in savings. Second homes will be included as capital or income depending on the circumstances. Households with an individual or combined income over £30,000 will not qualify for Discretionary Housing Financial Assistance unless evidence of exceptional circumstances is provided sufficient to satisfy a council's panel decision or applicable scheme of delegation. Households assessed as being able to make a contribution may, depending on the specific circumstances, be assisted by any appropriate means in accordance with the Regulatory Reform (Housing Assistance) Order 2002 e.g. payment scheme or discretionary interest free loan, in order to meet that contribution.

## **6. Local Land Charges**

- 6.1. Where the council provides Discretionary Housing Financial Assistance of more than £1000 and the works are considered likely to increase the value of the property (see Explanatory Notes), a Local Land Charge will be registered to recover the funding when the property is sold or otherwise transferred. However, where the DHFA is linked to the top up of a mandatory DFG, the **full value** of the DHFA (excluding any amount awarded under the mandatory DFG) will be registered and recoverable as a Local Land Charge.

## **7. Warranties**

- 7.1. The council is not responsible for any ongoing maintenance or repair relating to grant funded works, although there is normally an initial defects liability period, which is the responsibility of the contractor who undertook the works. Unless it has been agreed that it is included in the grant, it is the applicants responsibility to ensure that any extended / manufacturers warranties are applied for.

## **8. Other important information**

- 8.1. Only one discretionary grant can be applied for in each financial year unless exceptional circumstances can be evidenced to the satisfaction of the councils agreed panel approach. Further details can be found within the attached Explanatory Notes.
- 8.2. While there are no statutory or regulatory timescales that apply, professional recommendations relating to urgency will be considered alongside the specific circumstances of the case and the council will use its best endeavours to make decisions on discretionary assistance as quickly as possible when provided with all the necessary information. Discretionary assistance works by their nature can be complex and time consuming, however we will strive to ensure that works are undertaken and completed as soon as practicable.

- 8.3. Works undertaken with Discretionary Housing Financial Assistance may affect any application for housing to the relevant councils Housing Register.
- 8.4. If applicants are dissatisfied with the service they receive or do not believe all relevant information has been taken into account, and are unable to resolve directly with the departmental service, they may use the complaints process for the council they are applying to for assistance.

## **9. General Conditions of Assistance**

- 9.1. The term assistance means any form of financial assistance approved for the purpose of housing renewal, maintenance, improvement and adaptation. This may include a grant, an improvement scheme in which people are invited to participate, a loan of other form of financial assistance, whether provided directly or indirectly. Condition means any condition(s) attached to the assistance
- 9.2. Where stated, any financial assistance and any related conditions will be secured as a legal charge against the property (in the case of disabled facilities grants this would not apply to the tenant of a registered housing provider).
- 9.3. Any charge will not be removed until either all the conditions expire or until the assistance is repaid, together with any interest or additional charges apply. A breach of any conditions could also see the Council using existing powers and remedies to enforce the charge and secure payment of any amount due.
- 9.4. A charge against the property is binding on any person who is for the time being an owner of the premises concerned. Where any condition(s) is in force the Council may require the person responsible to provide any information to satisfy the Council that the condition(s) is being complied with. Failure to comply with a request for information within a reasonable time period and in the form required by the Council will be deemed a breach in itself and thus any assistance must be repaid to the Council. It is the responsibility of the person responsible to prove the condition is being complied with to the Council's satisfaction. Failure to do so will be treated as a failure to comply with the condition. The Council does not therefore have the burden of having to prove that any condition is not being complied with.
- 9.5. No applications for financial assistance will be considered where the relevant work has been started or completed. The approval of assistance does not imply or give the Council's approval of any other consents that might be required. e.g. planning permission or building regulations. It is the responsibility of the applicant to obtain any consents that are required.
- 9.6. Conditions will generally be enforced in all cases. Any money repaid or recovered will be recycled into the Council's capital programme for private sector housing renewal.

## **10. Delegations**

- 10.1. As with any policy, over time parts of this document may become outdated as a result of amendments to legislation, financial constraint and the influence of other strategic policy documents produced by the Council, Government or other national authorities. Thus it is essential that it is kept under regular review and updated when necessary and appropriate, therefore:

- i. Relevant Senior Managers have delegated authority to make minor and inconsequential changes to the policy in consultation with the Members/Committee with responsibility for Housing if agreed on a countywide basis. Variations will not make changes to the policy that substantively change the purpose of the policy.
- ii. Relevant Senior Managers have delegated authority to make amendments to the Explanatory Notes in consultation with the relevant Member/Committee with responsibility for Housing. This delegation will not be used to make amendments to the Explanatory Notes that impact other districts, unless agreed on a countywide basis.
- iii. Chief Executive Officers have delegated authority to suspend the awarding of any discretionary assistance under this policy in consultation with the relevant Senior Housing Manager and Member/Committee with responsibility for Housing.

### How to access the Assistance

Please contact the relevant Local Authority as set out below for further information or an application form.

Authority	Contact (for referrals other than through Mosaic)
Boston Borough Council	<a href="mailto:DFG@boston.gov.uk">DFG@boston.gov.uk</a> Tel: 01205 314563 for enquiries
City of Lincoln Council	<a href="mailto:housing.privatesector@lincoln.gov.uk">housing.privatesector@lincoln.gov.uk</a>
East Lindsey District Council	<a href="mailto:Grants.Admin@e-lindsey.gov.uk">Grants.Admin@e-lindsey.gov.uk</a>
South Holland District Council	<a href="mailto:privatehousing@sholland.gov.uk">privatehousing@sholland.gov.uk</a>
North Kesteven District Council	<a href="mailto:housingrenewal@n-kesteven.gov.uk">housingrenewal@n-kesteven.gov.uk</a>
South Kesteven District Council	<a href="mailto:dfg@southkesteven.gov.uk">dfg@southkesteven.gov.uk</a> Tel: 01476 406080 for enquiries
West Lindsey District Council	<a href="mailto:dfg@west-lindsey.gov.uk">dfg@west-lindsey.gov.uk</a> Tel: 01427 676676 for enquiries

Further advice in relation to housing assistance, including financial advice can be found from:

- The council's website
- Citizens Advice
- Shelter
- Gov.uk