Private Sector Housing Renewal

Financial Assistance Policy 2013-2016

Amended 2018

"Promoting Healthy and Efficient Homes"
# Private Sector Housing Renewal
## Financial Assistance Policy

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Introduction

This approved policy, original produced for the years 2013-16 has been amended to incorporate approved changes to the Financial Assistance Policy since its introduction.

This policy underpins the Council’s Corporate Housing Strategy and the work programme of the Private Sector Housing (PSH) Team within the Housing and Environmental Services Department.

The policy is produced and published in pursuance of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The aims of this policy will contribute to the Council’s Business Plan and its key ambitions.

1. Corporate Ambitions and Objectives

1.1 Ambitions

- To deliver economic success in our area.
- To achieve environmental excellence in everything we do.
- To plan and provide well housed communities.
- To increase levels of health and wellbeing.
- To keep people safe and secure.
- To continue to provide high quality and value for money.

1.2 The business plan details specific objectives; this policy supports the following objectives.

- To maximise the delivery of affordable homes.
- To raise the quality of existing homes.
- To understand people’s housing problems and help solve them.
- To address the needs of the older population to ensure they can continue to live independently.

2. Policy Aims

The Private Sector Housing Renewal Financial Assistance Policy is a vital tool in which the Council is able to address the strategic issues presented by residential dwellings in the private sector. The policy aims to:

- Assist residents in fuel poverty;
- Reduce the incidence of housing related health inequalities;
- Reduce the numbers of long-term empty dwellings;
- Contribute to an increase in the availability of affordable housing
- To seek to encourage energy efficiency and renewable technologies and methodologies.

3. Achieving the Aims

3.1 The primary responsibility for maintaining private sector housing rests with the owners of individual properties. However, the Council recognises that some owners will not have the necessary resources to fully carry out this responsibility. Where properties fall into disrepair this may lead to significant health implications for the occupants. This is especially relevant when considering defective/inefficient heating systems and insulation.

3.2 Accordingly, the Council, through the work of the PSH team, offers assistance targeted to further the aims of the Council in ensuring that every resident should have access to appropriate assistance, to ensure the health effects of defective properties are addressed. Such assistance will be combined with practical, professional and impartial advice to ensure dwellings are maintained to an acceptable standard. Furthermore, the Council will endeavour, within budgetary constraints, to ensure additional services added to the resident’s home will be sustainable where possible.

3.3 The underlying intention is to address the health issues of defective properties, by providing assistance to those vulnerable households least able to help themselves, and when that assistance is no longer required to recycle the finance to help other such households. Assistance will be provided through four main Housing Renewal Initiatives.

3.3.1 **Housing Stock Models;** this details Health and Safety hazards including disrepair. The model also indicates the energy efficiency of dwellings through a modelled Energy Performance Certificate process.

3.3.2 **Direct financial and/or practical assistance** to vulnerable households to eliminate health and safety hazards, improve or adapt a dwelling and to provide advice and support on energy efficiency and other sustainable measures.

3.3.3 **Empty Homes Programme** to bring back into use long term empty dwellings. This policy incorporates and amends the Council’s Empty Homes Policy 2011/14. Thus all Private Sector assistance will be incorporated into a single document.

3.3.4 **Mandatory Disabled Facilities Grants.** These mandatory grants are available under the provisions of the Housing Grants, Construction and Regeneration Act 1996 to adapt homes for the benefit of disabled occupant(s). Applicants must undergo a means test as set out by “The
3.4 The Council has a Home Improvement Agency (HIA) service that is provided under contract by South Norfolk Care and Repair Agency. Together with the HIA, the PSH team will work with other appropriate partners to secure additional resources and wherever possible, external funding to support these programmes. For example the Climate Change Advisors, will work to alleviate fuel poverty, by giving advice on energy efficiency measures directing residents to appropriate national funding streams.

4. Housing Stock Models

4.1 In 2016 the Council commissioned the BRE (Building Research Establishment) to provide a report detailing the condition of the private sector stock within Broadland. The methodology for the report used a Housing Stock Model.

4.2 The focus for assistance will be directed at the priority concerns identified in the report.

5. Direct Financial / Practical Assistance

5.1 The Council will principally provide direct financial assistance for private sector housing purposes in the form of means tested loans aimed at eliminating health hazards for vulnerable households and energy deficient properties. These loans will be available to owner occupiers and long leaseholders with repairing obligations. The Council will also provide financial assistance to the owners of empty properties and to landlords. For landlords this will be linked with incentives to join a housing scheme aimed at providing affordable homes for applicants on the Council’s housing register.

5.2 To achieve this objective six financial assistance packages will be available:

5.3 Healthy Home Loans

5.3.1 To provide financial support to vulnerable households (owner/occupiers and long leaseholders), living with specific hazards as identified using procedures detailed in the Housing Act 2004. See Appendix 5 for the Terms and Conditions applicable to Healthy Homes Loans. Healthy Homes Loans with interest will be made available within approved budget limits and also subject to an applicant’s financial status i.e. it is a means tested loan facility.

5.4 Safe and Warm Loan.

5.4.1 This is an unconditional loan up to a maximum of £1,000 and £1,500 in any three year period. (See section 7 for eligibility criteria). Successive loans may be considered (for different works). A second application will
not normally be considered for at least 12 months after the previous safe and warm loan is paid. The Safe and Warm Loan is normally for urgent situations only relating to uninsured failure of services such as water, heating, power, supply, plumbing and drainage. The Safe and Warm Loan is also available for energy efficiency measures where no externally funded aid is available. Urgent minor repairs can also be included. Where works are likely to cost no more than £600 (ex VAT) and where it is deemed impractical to obtain more than one estimate due to the urgency or practicality of the situation, a single estimate will be acceptable for these small repairs subject to the approval of the Private Sector Housing Manager.

This loan can also be used for the provision of specialist equipment for disabled clients where:

- the client has been found by Social Services to be disabled but not eligible for assistance from Social Services, and
- where the provision of equipment will remove a need for a permanent adaptation of the property via a mandatory Disabled Facilities Grant.

5.5 Special Project loans / grants

5.5.1 This assistance is intended to be made available for short periods of time and/or in geographically limited areas of the District, for occasional one-off projects and initiatives designed to further the Council’s Housing Strategy Aims. An example could be to specifically address a Hazard identified as a concern in the Health Impact Assessment. This Special Project loan / grant scheme requires a decision process based on need and budget availability. They require the prior approval of the Head of Housing and Environmental Services in consultation with the Portfolio Holder responsible for Housing.

5.6 Empty Homes Programme

5.6.1 The services previously detailed in the Empty Homes Policy 2011-14 ‘Maximising the Potential of Wasted Assets’ is now incorporated into this policy. The council will continue to provide a package of financial assistance that will be made available to owners of empty properties. These not only provide financial incentives for owners to bring their properties back into use. They also provide an essential positive engagement tool on first and subsequent contacts with the owners. There is also a cost benefit to the Council, as a reduction in the total number of long term empty homes corresponds to an increase in the Council’s new homes bonus allocation.

5.6.2 The Council will provide an interest free loan of £4,000 for renovation of empty homes. Additionally the renovation of an empty property with solid walls provides a rare opportunity to insulate the external walls. Therefore, a further £1,000 loan for solid walled homes will be available and the insulation of the external wall is a loan condition. Financial assistance will be made available to owners to help in the conversion of single to multiple dwellings. A loan of up to £3,000 per converted unit will be made available which will also help maximise the Council’s New Home Bonus
allocation. For owners of long term empty homes having difficulty completing a renovation project, a secured interest free loan of up to £8,000 will be made available. This loan will require repayment within 12 months of approval and will be placed as a charge on the property at Land Registry. The loan will be repayable on the sale of the property.

5.6.3 A non secured loan of up to £1000 will be made available to help the sale process for owners of properties that have been on the market for a period exceeding 6 months. The loan will be available for general maintenance decorating and gardening work. The objective is to make empty properties attractive for sale. The loan is conditional in that the property is placed on the open market at a competitive price reflecting current market conditions. Once the property is sold or taken off the market the loan shall be repaid. For this loan an equitable charge will be placed on the property at the land registry.

5.6.4 The financial assistance will require that properties are renovated to the Decent Homes Standard (for guidance see Appendix 3) plus an element for ‘letability’ factors prior to payment. For further details on the scheme and terms and conditions see Appendix 1 and 2.

5.6.5 In addition to the above, use of the Planning and Conservation Department’s Conservation / Listed Buildings Grants scheme will continue.

5.6.6 The above details outline the schemes as they are expected to operate in most, if not all, cases. Where an owner has an empty property that is particularly attractive to the Council, in that it meets a specific possibly urgent need, variations to the above schemes can be considered, subject to the agreement of the Portfolio Holder.

5.7 **Mandatory Disabled Facilities Grants (DFG)**

5.7.1 Broadland District Council is committed to a close and effective working relationship with Adult (& Children’s) Social Services to deliver a high quality Disabled Facilities Grants service. Mandatory Grants of up to £30,000 are available for eligible works. The service is now fully integrated with a team of Social Service and District personnel forming IHAT (Integrated Housing adaption Teams) located in Broadland’s Offices. The Grants are means tested unless the grant is for a child under 16, or a young person under 19 in continuing further education.

5.7.2 The following works (as set out in the Housing Grants, Regeneration and Construction Act 1996 Section 23 – as amended) are eligible for mandatory DFG subject to confirmation of need from the Welfare Authority for the district (usually via an Occupational Therapist employed by Social Services).

- Facilitating access by the disabled occupant to and from the dwelling or the building in which the dwelling or flat is situated.

- Making the dwelling or building safe for the disabled occupant and other persons residing with the disabled occupant.
• Facilitating access by the disabled occupant to a room used or usable as the principal family room.

• Facilitating access by the disabled occupant to, or providing for the disabled occupant, a room used or usable for sleeping.

• 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. 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.

• 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.

• Facilitating the preparation and cooking of food by the disabled occupant.

• 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 needs.

• 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.

• Facilitating access and movement by the disabled occupant around the dwelling in order to enable him to care for a person who is normally resident in the dwelling and is in need of such care.

• Facilitating access by the disabled occupant to the garden of the dwelling or garden normally associated with the dwelling.

5.8 Landlord Grant

A Landlord Grant of £1000 will be made available to Landlords for properties that join the Council’s Liaison scheme and any successive PSL (Private Sector Leasing) schemes. For Current Terms and Conditions see Appendix 4. These terms and conditions may require amendment relating to any revisions of the scheme.

6. Tenure Eligibility for Healthy Homes Loans and Safe and Warm Loans.

6.1 Loan assistance will be available for and restricted to vulnerable
owner/occupiers aged 18 years and over (at the date of loan approval). Young persons under the age of 18 may not be held liable for contracts they enter into and therefore the Council considers it inappropriate to offer Healthy Homes Loans to person under the age of 18.

6.2 There is no pre-residency requirement on clients in respect of a dwelling which they are purchasing or have just purchased. A loan will not be formally approved until the applicant(s) ownership interest is confirmed by reference, at the applicant(s) own expense, to an entry on Land Registry showing the date of purchase and ownership details.

6.3 Where a loan is approved for a property purchased by the applicant(s) the applicant(s) will be required by the terms of the loan, to move into the property within three months of the certified date of the completion of the loan aided works, and the applicant(s) must occupy that property as his/her (or their) only residence.

6.4 Safe and Warm loans as per paragraph 5.4 above, may be made available to owner/occupiers with the age restrictions in paragraph 6.1 above applying. Safe and Warm loans are not available for tenants as the “eligible works” would be the legal responsibility of the landlord to carry out.

6.5 For the purposes of this Financial Assistance Policy the term “Owner/Occupier” is taken to include the following:-

• an applicant or joint applicants having a freehold estate in fee simple in the property.

• an applicant or joint applicants occupying the property on a long lease with repairing obligations with 5 or more years left to run at the date of approval of the assistance applied for.

• an applicant or joint applicants occupying the property under a lifetime licence to occupy (with repairing obligations) under the provisions of a will or intestacy of the immediately previous deceased owner.

6.6 Healthy Homes Loans may also be approved for owners of Mobile (Park) Homes (not touring caravans) where the Mobile unit owner has, with the site owner(s), a valid “contract to occupy” the pitch on which the unit is stood. The mobile unit owner must have been resident on that site in the relevant unit for at least 6 months prior to the application being made. Full loan repayment including fees and interest as detailed in Appendix 5 will apply on sale or transfer of the ownership of the unit and also if the unit is removed from the site for occupation on a different site outside Broadland District Council area, whether or not the occupation in the new location is by the recipient of the loan.

6.7 Safe and Warm Loans may also be approved for owner occupiers of Mobile (Park) Homes (not touring caravans) where the Mobile unit owner has, with a site owner, a valid “contract to occupy” the pitch on which the unit is stood. There will be no residency requirement for Safe & Warm loans.

7 Financial Eligibility criteria for Financial Assistance

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7.1 For applications for Healthy Homes Loans, where an applicant is not in receipt of one of the qualifying (means tested) benefits listed below he/she will be required to participate in a test of financial resources to assess their capacity to contribute towards the cost of the work. The test of financial resource will be the same as that used nationally for the mandatory Disabled Facilities Grants i.e. under the provision of the Housing Renewal Grants Regulations 1996 and any amendments or successor legislation. For applicants in receipt of one or more of the qualifying benefits detailed in 7.3 they will be passported through to 100% assistance for loan eligible works.

7.2 There is no means test calculation procedure for a Safe and Warm loan. Only those applicants in receipt of one of the qualifying benefits detailed in 7.3 will be eligible to make an application for a safe and warm loan.

7.3 Qualifying Benefits

- Income support
- Universal Credit
- Guaranteed Pension Credit
- Employment Allowance (income related)
- Housing Benefit
- Working Tax Credit where annual income is below £16,010
- Child Tax Credit where annual income is below £16,010
- Council Tax Reduction (not including single occupancy discount)

7.4 The list detailed 7.3 will be updated as and when required with respect to ongoing changes to national and local welfare provisions.

8. Healthy Homes Loans – Eligible Properties

8.1 A property will be eligible for consideration if it is categorized under the Housing Health and Safety Rating System (HHSRS) as having Category 1 Risk Factors associated with it. Loan aid will be considered for all reasonable works to eliminate as far as practicable and cost effective, the Category 1 Risks (except for the provision of portable equipment). The Category 1 Risk Factors must be detrimental to the health and safety of the actual occupants at the time the application is made.

8.2 A property will be eligible for consideration if it is categorised under the Housing Health and Safety Rating System (HHSRS) as having Category 2 Risk Factors Rated as a band D Hazard and that in the Council’s view the Hazard presents a significant adverse risk to the health of the occupants.

8.3 Healthy Homes Loans will only be made available to homes within the Council Tax bands A to D.

9 Healthy Homes Loans - Eligible Works

*Loan aid is not available for works covered by a valid household insurance policy*
9.1 The following list is indicative of the type of works that would be considered. It is not exhaustive.

9.1.1 Roofing repairs/renewals (only where evidence of water penetration is visible in the habitable parts of the dwelling).

9.1.2 Chimney, guttering, fascias, soffits repair & renewal.

9.1.3 Drainage repairs (not clearance of blockages)

9.1.4 Repair and renewal of rotten window frames (replacement of defective sealed double glazing units will only be approved where they are no longer weather-proof or natural lighting is significantly reduced by condensation between the panes).

9.1.5 Electrical repairs including re-wiring where required - subject to report from NICEIC electrician confirming unsafe condition of existing installation (replacement light fittings not included). Replacement wiring installations shall provide lighting points and power sockets to the standard set out in the Council's existing Standard Housing Schedule of Works (refW02).

9.1.6 Replacement heating/hot water boiler - subject to a Gas Safe engineer's report confirming unsafe/failed condition of boiler. Necessary associated works will be permitted. Certain types of renewable energy sources - in particular, roof mounted solar thermal panels - will be considered as eligible works where boiler replacement is necessary.

9.1.7 Installation of a heating system to all occupied rooms - where no or inadequate heating is present. Renewable energy forms of heating will be considered, subject to consultation with the Council's Climate Change team on suitability and cost effectiveness of any proposed systems.

9.1.8 Damp-proofing floors & walls.

9.1.9 Insulating walls and roof spaces and draught-proofing windows and external doors to national standards.

9.1.10 Repairs to any part of the structure (including boundary walls pathways & fencing), where the disrepair leads to a significant health & safety risk to occupiers and legitimate visitors, e.g. floors, timberwork, ceiling & wall loose/defective plasterwork.

9.1.11 Adequate insulation against external noise (where external noise is a problem i.e. subject to noise level surveys by Environmental Services Pollution Control Team).

9.1.12 Subsidence remedial works.

9.1.13 First time provision of a bathroom and/or a kitchen. Where first time or replacement provision of a W.C is involved the W.C. must be of a dual flush type. Where a first time or replacement provision of a bath is required the client must choose to have either:

- a bath incorporating an over-bath shower
- a shower cubicle (i.e. instead of a bath) where appropriate to age, infirmity or other considerations at the discretion of the Private Sector Housing Manager, a level access shower can be installed

9.2 When windows and doors are replaced where timber materials are used they must be prepared and treated in a manner such as to minimise future maintenance commitments – e.g. use of linseed oil based paints or equivalent. However, it must be recognised that the use of timber external building elements does carry with it an on-going maintenance requirement. Home owners must be made aware of this and be prepared to take on that commitment. The Council reserves the right to refuse a future successive application for financial assistance for window/door replacement where our records show that the applicant opted for wooden replacements on the first set of loan aided works and it appears that
maintenance has subsequently been neglected.

9.3 In recognition of the fact that some applicants are unable to take on an on-going maintenance commitment, it will be acceptable for those applicants to opt for the use of the UPVC alternatives subject to any limitations imposed by Listed Building or Conservation area status.

9.4 Insulation of Mobile (Park) Homes walls and roofs may be allowed for loan aid subject to a scheme of works being available that is British Board of Agreement certified and where such works do not result in a material breach of the site licence conditions arising.

9.5 The Council reserves the right to refuse to assist works (e.g. updating old but functional kitchens & bathrooms) where those works do not provide a health benefit to the applicant.

9.6 Excluded Works :- Repairs/improvements to garages, outhouses, conservatories and porches, except where the defect(s) give rise to HHSRS Category 1 Risk Factors from the following relevant specific hazards only, and which directly impact upon the health or safety of the occupying applicant and/or his family.

9.6.1 Relevant risk factors: Falls on the level; falls between levels; falls from windows; collision/entrapment; electrical hazards; structural collapse, Asbestos.

10. Loan and Grant repayment conditions

10.1 Where assistance is given in the form of a Safe and Warm Loan a signed legal loan agreement will detail that the loan is repaid upon the sale of the property. Until that point of sale, no other repayment conditions will apply unless it subsequently comes to light that the application for the loan had been fraudulently made.

10.2 Where assistance is given in the form of a mandatory Disabled Facilities Grant (DFG) no repayment conditions will apply if the grant value is £5,000 or less. Where the mandatory DFG value is above £5,000 repayment conditions will apply as per The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. The Grant will be registered as a local Land Charge and that part of the grant that exceeds £5,000 will be repayable up to a maximum repayable amount of £10,000 subject to the conditions contained within the General consent. They relate to financial hardship of recipient and reasons for house disposal. Recovery on sale will be for the full amount of the charge. No interest will be applied. Any DFG funding over and above £15,000 will not be subject to recovery by Land Charge or otherwise unless it subsequently comes to light that the application for grant aid had been fraudulently made. This condition applies to all DFGs approved on or after formal adoption of this policy.

10.3 Interest will be charged as detailed in Appendix 5 for Healthy Homes Loans, no interest will be charged for other financial packages except where
repayment for breach of conditions has to be enforced as a civil debt for reasons of non-payment. In which case the standard rate of interest chargeable by the Council under LG (MP) Act 1986 will be applied. Where the loan has been obtained fraudulently, interest will be charged at the Bank of England base rate + 4% and consideration will be given to reporting the matter to the police for an investigation under the Theft Act 1968 (as amended).

10.4 The purposes of registering a land charge against dwellings and/or attaching conditions where financial assistance has been given are to:

- ensure that public funds are properly utilised to support the Council’s priorities.
- ensure that the dwelling remains in use as a dwelling in a tenure similar to when assistance was given and is not converted to some other use.
- ensure that the value of public investment in private housing is not degraded by the subsequent failure of owners to maintain the dwelling in a satisfactory state.
- support other Council policies and programmes.
- ensure that previously awarded monies support new funding once it has achieved its objective, and recovery will not adversely affect the recipient.

10.5 In all cases the following conditions will apply from the Certified Date. The Certified Date is the date on which the loan aided works are certified by the Council as satisfactorily complete. They will continue in force until the property is disposed of, or a voluntary repayment of assistance is made.

- The dwelling will remain in full time use as a dwelling for occupation by the recipient of the loan and their immediate family as owner/occupiers. In the case of the death of the applicant repayment of the loan will not be required if the property continues to be occupied by a member of the applicant’s immediate family who was in occupation for at least 12 months before the death of the applicant.
- The dwelling will not be used as a holiday home. Loan aid can only be obtained where the dwelling is the only home of the applicant.
- No part of the dwelling will be used in connection with any trade or business save that such a use may be carried on with express permission of the Council subject to any necessary Planning or Building Regulation permissions and the payment of appropriate Council Tax and Business rates.
- The dwelling must be maintained in a reasonable state of repair.
- Loans will only be available to applicants who at the date of approval are not in arrears with their Council Tax.
• The whole or part of the loan shall not have been obtained by fraudulent means.

10.6 The conditions may be discharged at any time by the recipient of the assistance making a voluntary repayment of the original total sum of the assistance. The total sum including applicable interest would be calculated using procedures detailed in Appendix 5. It is open for the Council to demand a lesser amount or no payment upon representations from the person responsible for the repayment, that he/she is unable to afford to repay the whole or part of the loan without experiencing undue hardship. The Council is obliged by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to have regard to an individual’s ability to repay any loan. Detailed documentary financial status information would have to be supplied by any loan recipient seeking waiver of all or part of a loan. Each case would be considered on its merits.

10.7 Recovery of loans to Mobile (Park) Homes

10.71 Loans to owners of Mobile Homes cannot be secured by a charge on the property because the home owner does not own the land on which the unit is pitched.

10.72 All Healthy Homes Loans awarded to this type of property will be secured by a Bill of Sale, which is in effect a regulated credit agreement under the provisions of the Consumer Credit Act 1974.

11. Land Charges

11.1 The provision of Healthy Home Loan assistance and the post certified date conditions will, whenever possible, be secured by an equitable charge against the dwelling, registered at the Land Registry. Where properties are not registered the charge will be registered against the applicant at the land charges based at Plymouth and/or as a caution against first registration at the Land Registry.

11.2 Land Charges are declarable on a property search and may hinder the sale of a dwelling if not discharged.

12. Eligible Expenditures for works and professional or other fees

12.1 Where assistance is offered either as a Healthy Homes Loan or Safe and Warm Loan a Schedule of Works will accompany the offer. Works listed on the schedule will be the eligible works, i.e. the works that will attract payment of the assistance if completed satisfactorily.

12.2 Variations to the schedule may be permitted where the original works cannot be executed, or where unforeseen works have come to light during the course of the scheme. Prior written approval must be obtained from the Council before any such variations are carried out. The value of the assistance may be increased or decreased according to circumstances, subject to the maximum loan limit.

12.3 The following fees will be classed as eligible expense when forming
necessary expenditure to ensure that the scheme can be completed.

- Planning and Building Regulation fees.
- Care and Repair Agency fees
- Fees for the preparation of plans.
- Fees for technical surveys.
- Fees for the supervision of the works and the seeking of tenders.
- The disconnection and reconnection of services.
- Fees for professional advice for example obtaining proof of title, or planning for domestic renewable energy.
- Occupational Therapists fees.
- Land Registry fees – including any necessary property valuation fees.
- Value Added Tax, where applicable, will be eligible expense at the rate applicable at the date of approval up to the maximum value of the assistance.

12.4 Any fees and charges can only form part of the eligible expense if declared at the time of making the application, (except where relating to unforeseen works).

13. Publicity

13.1 This Policy will be widely published, using Broadland News, the Energy Vehicle, leaflets distributed to the Council and Norfolk County Council offices, libraries, surgeries, estate agencies, banks and other places to which the public has access, plus direct contact with appropriate statutory and voluntary agencies.

13.2 A full copy of this policy will be available for inspection, without charge, at the Council offices. A full copy will also be available on the Council website, (www.broadland.gov.uk)

14. Home Improvement Agency (HIA)

The Council’s Home Improvement Agency service is provided for the Broadland area by South Norfolk Care & Repair under a partnership arrangement with South Norfolk Council. Appropriate enquiries for private sector housing renewal assistance will be directed to the agency. The agency will offer a service subject to their capacity to undertake this work and will also offer advice on any other benefits to which the applicant may be entitled. The fees for this service will be eligible for assistance, and will be included in the loan or grant total.

15. Complaints / Appeals

15.1 Complaints or appeals against the service or against a refusal of an application for assistance, the level of assistance or the imposition of conditions will be dealt with under the Council’s corporate complaints procedure, a copy of which is available on the Council’s website, (www.broadland.gov.uk).

15.2 Complaints of maladministration not resolved locally may be referred to
the Ombudsman.

16. **Applications falling outside of this policy**

16.1 Applications falling outside of policy but having merit in terms of wider council objectives will be raised with the Portfolio Holder for Housing and Environmental Services, who may in turn require that the matter be raised with Cabinet.

17. **Financial resources**

17.1 The Council will allocate a budget for Financial Assistance for private sector renewal as part of the annual budget setting process.

17.2 The Private Sector Housing Financial Assistance budget will be reviewed monthly and reported to the Head of Housing and Environmental Services who, where necessary in respect to available capital funding, in consultation with the portfolio holder will set priorities, and where necessary restrict availability of assistance programs within the policy to ensure council priorities.

17.3 Additional external funding will be actively sought, to support works to improve the energy efficiency and home security of the private sector housing stock.
Appendix 1

Empty Homes Delivery

‘Maximising the Potential of Wasted Assets’

Introduction

Empty homes have been identified by central government as a key factor when calculating the payment of the New Homes Bonus. The bonus will apply to long term empty homes brought back into use, as well as the building of new homes. Adversely, if long term empty homes increase, any bonus achieved by the construction of new properties within the district will be reduced.

Empty homes action is therefore necessary to address this issue and reduce their negative impact on adjacent homes and neighbourhoods. They are wasted assets, which is especially relevant in view of housing shortages, the number of people on the Council’s Housing Register and the need for affordable housing.

The main purpose of updating the empty homes procedure is to build on the successes of the existing work undertaken by the Council, in bringing empty homes back into use, and to enhance the process in light of results from the current procedures.

Background

Long-term empty homes restrict the supply of housing and have an adverse impact on the local community. Especially affected are those members of the community whose homes are directly adjacent to empty properties. They can easily deteriorate, become damp, attract vermin and can become a magnet for anti-social behavior. The Royal Institution of Chartered Surveyors estimates that homes adjoining poorly maintained empty properties can be devalued by up to 18 per cent. [source: Empty Homes website]

Owners leave properties empty for a variety of reasons. Some transactional circumstances i.e. probate, being marketed or the process of renovation to make habitable, are unavoidable. However the Department for Communities and Local Government estimates that these only account for about 50% of empty properties nationally. There are many homes that stand empty because they are in need of repair or because the renovation originally intended by the owner has reached a state of inertia.

Broadland District Council’s Private Sector Housing Team has developed a systematic procedure for identifying empty properties, communicating with owners and assessing the appropriate actions to implement. Letters are produced via an automated procedure, visits are made to empty properties to
meet with owners, offer advice and, discuss financial support. If necessary enforcement is considered, in this case a Criteria Assessment is produced that scores key elements, e.g. number of bedrooms, location, number of years empty, period renovation has been ongoing, nuisance, etc. The score produced from the criteria assessment is used in the decision process for possible future action which may include enforcement. This whole procedure including the criteria assessment has been upgraded and enhanced.

Broadland District Council has been working to bring empty homes back into use since 2002, beginning as a response to a national campaign by the Empty Homes Agency that encouraged all local authorities to develop an empty property policy.

Issues around empty homes are perhaps even more relevant today to ensure Broadland responds to current Government policy.

**Objectives**

The purpose of the Empty Homes Procedure is to support the ambitions and objectives of the Broadland Business Plan 2015-2019:-

**Ambitions**

- To plan and provide well housed communities
- To achieve environmental excellence in everything we do.

**Objectives**

- To improve energy efficiency and increase the uptake of renewable energy throughout the district (Objective 4)
- To maximise the delivery of homes people can afford (Objective 7) by reducing the number of empty homes as measured by the CTB1
- To generate and commit investment to ensure development provides the necessary infrastructure, homes and opportunities for Broadland residents (Objective 6)

**ISSUES**

**Statistical Context**

Broadland District Council estimates future housing requirements by undertaking regular Housing Market Assessments (HMA) and 5 yearly, housing needs, stock condition and energy efficiency surveys. This information provides the essential baseline data on the number, type, location, condition and use of housing stock in the district. The last stock condition survey was carried out in 2017 and was a modelling exercise.

As of January 2018 there were an estimated 57,505 dwellings in Broadland. Owner occupation is the prominent form of tenure at about 82% (47,154
approx). Housing Association and other public sector dwellings account for about 9% of the total (5,100 approx). Private rented accommodation provides about 9% (5,100 approx).

The total number of long-term empty homes (empty for more than six months) was 265 or 0.46% of the total stock in the district. [Broadland District Council, Council Tax Return (CTB1) October 2017]

The Council is determined to reduce the number of empty properties in its area as part of the commitment to meet the ambitions and objectives detailed in the Broadland Business Plan and to maximise any New Homes Bonus the Council may be entitled to.

Empty homes are seen as wasted and wasting assets, both for the owner and for the community in general. It is frequently the case that long-term empty properties fall into serious disrepair for a wide variety of reasons.

Many owners find the thought of a renovation project daunting and therefore are unwilling to address the problems presented by the property which can cause further degeneration. Additionally due to the recent stresses in the banking sector, many personal projects to renovate properties are running out of money.

Financial Incentives

The Council has a range of financial options available for owners of Empty Properties. These assistance packages are detailed within section 5 of this document.

VAT

Where properties have been empty for two years or more the council is able to provide to owners a letter enabling them to obtain services at a reduced rate of VAT (currently 5%) in accordance with HMRC Notice 708. This service will be offered as part of the empty home process.

Enforcement

The Council has adopted a corporate Enforcement Policy which sets out its commitment to using enforcement only in a fair and just manner and when informal processes have been tried and have failed to achieve the Council's objectives.

The Council recognises that in some instances, owners have good and valid reasons for keeping a property un-occupied for periods of time and that this is especially relevant in consideration of marketing conditions. However, the over-riding concern of the Council, as the Local Housing Authority, is to maximise the availability of suitable housing for its residents.
Where reasonable informal negotiations and offers of financial assistance from the Council fail to persuade owners of empty homes bring a property back into use for residential occupancy, the Council is prepared to exercise its enforcement capabilities in order to achieve its objectives.

Relevant enforcement powers:-

**Housing Act 1985**

- Section 264/5 etc – Demolition
- Part 17 - Compulsory Purchase

**Housing Act 2004**

Part 1

- Chapter 1 – Housing Health and Safety Rating System
  - Section 11 and 12 – Improvement Notices
  - Section 20 and 21 - Prohibition Orders
  - Section 28 and 29 Hazard Awareness Notices

Part 4

- Chapter 2 - Empty Dwelling Management Orders (EDMOs)

**Town & Country Planning Act 1990**

- Section 215 - Premises detrimental to the amenity of the neighbourhood

**Planning and Compulsory Purchase Act 2004**

- Part 8 – Compulsory Purchase

**Law of Property Act 1925**

- Enforced Sale of Property

**Building Act 1984**

- Section 79 – Ruinous and dilapidated buildings and neglected sites

**Prevention of Damage by Pests Act 1949**

The application to the land of any form of treatment specified in the notice.
Or any other enforcement powers that are identified, or become available to the Council.

**Flexible Approach**

Where owners indicate a reluctance to initiate procedures to bring their properties back into use, a flexible approach will be adopted to ensure all options are considered prior to the commencement of enforcement activity. This may involve procedures, with the agreement of owners, to assist in marketing properties. This may involve correspondence with property agents on the owners behalf.

**Procedure**

The Private Sector Housing Team have developed an automated procedure to ensure that long-term empty homes are identified and all owners are contacted with automated case reviews.

The Council initiates contact with owners when a property is identified as empty for 6 months (previously 12 months). This ties in with the Governments definition of a long term empty property (6 months) specifically used for relevant statistics and the New Homes Bonus allocation.

The procedure is set out below:

- A list of all homes that have been empty for more than six months is compiled from Council Tax records every month.
- An initial letter is sent to owners of newly identified empty homes. The letter will detail the various options available to owners of empty homes including financial support available.
- Where no response has been received within six months a second letter is sent to owners, again with details of the financial support available.
- Where no response has been received within six further months the owners are contacted again. In this letter they are reminded of the options and financial assistance available they are also informed of the possible enforcement action available to the council.
- Where no response has been received within six months of this letter the owners are contacted again and informed on a ‘Red’ letter that enforcement action is being considered and the property will be visited by an officer.
- Properties are visited and assessed using a set Criteria Assessment Form that has been devised to score empty properties as to their suitability for enforcement action.
- Where owners have contacted the Private Sector Housing Team following the receipt of a letter and given a valid reason for the property being empty, i.e. property being renovated or marketed, a maximum period of twelve months may elapse before the owners are contacted again and visits are undertaken to assess progress.
- Where little or no progress has been made to renovate the property the owners are again informed of the options including financial assistance and informed that enforcement action may be considered.
• If an owner still does not respond and the property remains empty enforcement action may be initiated via the criteria assessment procedure.

The initial approach to owners of empty homes is an attempt to provide advice and financial incentives. This procedure provides an amicable route of introduction to owners when they are first contacted. Where these contacts are unsuccessful, enforcement is considered via a criteria assessment and case conference for the individual properties concerned.

The above procedure is resource intensive and therefore requires constant monitoring to ensure satisfactory results from relevant correspondence with owners.

The interval periods between letter correspondences, will be reviewed and adjusted accordingly by the Private Sector Housing Manager.

**Resource Implications - Staffing**

The primary resources will come from within the Environmental Services Department (Private Sector Housing).

- Private Sector Housing Manager 20% FTE,
- Empty Homes Officer 50%
- Technical Support 25% FTE.

Additional corporate resources include:-

- Revenues (supply of address lists of Long Term Empties),
- Planning/Conservation (work on Listed Building & Conservation area grants (when available)) plus processing of grant/loan payments
- Housing Option Service – referrals from the Council’s Housing Options Team.
- Planning Enforcement – in respect of Section 215 “detrimental to the amenities of the neighbourhood” enforcement
- nplaw-(provide legal procedure for compulsory purchase)

**Monitoring Evaluation and Review**

The Private Sector Housing Team monitor progress via annual CTB1 returns and quarterly reports forwarded for the corporate performance management process.

**Complaints / Appeals**

Complaints or appeals against the service or against a refusal of an application for assistance, the level of assistance or the imposition of conditions will be dealt with under the Council’s corporate complaints procedure, a copy of which is available on the Council’s website, [www.broadland.gov.uk](http://www.broadland.gov.uk).

Complaints of maladministration not resolved locally may be referred to the Ombudsman.
Appendix 2

Empty Homes Financial Assistance Terms & Conditions

The numbers in brackets at the end of each term and condition refers to the corresponding entry in the Council’s Financial Assistance Policy. For the complete Private Sector Housing Renewal Financial Assistance Policy document please refer to contact details below;

**Address:** Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU

**Telephone:** 01603 430597

**Website:** [http://www.broadland.gov.uk](http://www.broadland.gov.uk)

**Terms & Conditions:**

1. All works as identified in the schedule of eligible works must be completed within 12 months to the satisfaction of the applicant and the council. Where the works identified on the schedule are limited by cost that may be covered by a loan all remaining works required to bring the property to the ‘decent homes standard’ and ready it for occupation must also be completed within the same 12 month period.

2. Works are only eligible where they have been agreed in advance with the Council.

3. Applications falling outside of policy but having merit in terms of wider Empty Homes project aims will be raised with the Head of Environmental Services and/or Portfolio Holder for consideration.

4. Loans in excess of £1,000 will be registered as a Land Charge at Land Registry. Early repayment of the loan will result in removal of the Charge. A breach of the conditions listed below will trigger a requirement to repay the loan in full. (10.5)

5. Interest will be charged on Healthy Homes Loans as detailed in (5.3.2.). Interest will not be charged for Empty Homes loans or Safe and Warm loans under this policy, except where repayment for breach of conditions has to be enforced as a civil debt for reasons of non-payment. In which case, the standard rate of interest chargeable by the Council under the LG (MP) Act 1986 will be applied. Where the loan has been obtained fraudulently, interest will be charged at Bank base rate +4% and consideration will be given to reporting the matter to the Police for an investigation under the Theft Act 1968 (as amended). (10.3)

6. In all cases the following conditions will apply from the Certified Date. The Certified Date is the date on which the loan aided works are certified by the Council as satisfactorily complete. They will continue in force until the property is disposed of, or a voluntary repayment of assistance is made. (10.5)
6.1. The dwelling will remain in full time use as a dwelling for occupation by the recipient of the loan, their immediate family or as a privately rented dwelling. In the case of death of the applicant repayment of the loan will not be required if the property continues to be occupied by a member of the applicant’s immediate family who was in occupation for at least 12 months before the death of the applicant (10.5.1)

6.2. The dwelling will not be used as a holiday home. (10.5.2)

6.3. No part of the dwelling will be used in connection with any trade or business save that such a use may be carried on with express permission of the Council subject to any necessary Planning or Building Regulation permissions and the payment of appropriate Council Tax and Business rates. (10.5.3)

6.4. The dwelling must be maintained in a reasonable state of repair. (10.5.4)

6.5. Financial assistance will only be available to applicants who at the date of approval are not in arrears with their Council Tax. (10.5.5)

6.6. The whole or part of the loan shall not have been obtained by fraudulent means. (10.5.6)

7. The conditions may be discharged at any time by the recipient of the assistance making a voluntary repayment of the original total sum of the assistance. It is open for the Council to demand a lesser amount or no payment upon representations from the person responsible for repayment that he/she is unable to afford to repay the whole or part of the loan without experiencing undue hardship. The council is obliged by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to have regard to an individual’s ability to repay any loan. Detailed documentary financial status information would have to be supplied by any loan recipient seeking waiver of all or part of a loan. Each case would be considered on its merits. (10.6)

8. The cost of registering any charge will be added to the value of any assistance given in the form of an Empty Homes Loan and will come within the maximum sum available for assistance given and will be repayable in the same way as the assistance.

9. Land Charges are declarable on a property search and may hinder the sale of a dwelling if not discharged. (11.2)

10. Where assistance is offered as an Empty Homes Loan works listed on the approved quote will be eligible works i.e. the works that will attract payment of the assistance if completed satisfactorily. (12.1)

11. Variations to the schedule may be permitted where the original works cannot be executed, or where unforeseen works have come to light during the course of the scheme. Prior written approval must have been obtained from the Council before any such variations are carried out. The value of the
12. Legal fees may be added to the value of any assistance given in the form of an Empty Homes Loan and will come within the maximum sum available for assistance given and will be repayable in the same way as the assistance. These can only form part of the eligible expense if declared at the time of making the application (except where relating to unforeseen works). (12.4)

13. Payment for works will be paid directly to contractors only upon satisfactory completion.

14. DIY works will be considered on an individual basis for materials only, provided that quotes are supplied in advance and that work is carried out by a competent person to a satisfactory standard.

15. Only Gas Safe registered engineers will be permitted to undertake work on gas central heating systems. This is due to a desire to protect the interests of its residents, the integrity of the scheme and the quality of its delivery.

16. Only Oftec registered technicians will be permitted to undertake work on oil central heating systems. This is due to a desire to protect the interests of its residents, the integrity of the scheme and the quality of its delivery.

17. For the purpose of the empty homes financial assistance package ‘competitive price reflecting current market conditions’ is defined as no more than 10% higher than the mean average of three independent valuations from estate agent or valuers who are either National Association of Estate Agent members or members of the Royal Institution of Chartered Surveyors.

I have read and agree to the terms of the empty homes financial assistance above:

Signed: ___________________________ Date: ______

____
Appendix 3

Property Conditions Guidance Document

Decent Homes Standard – Guidance to standard:-

- Must be free from any Category One Hazards as under the provision of the Housing Act 2004 Part 1.
- Must be in a reasonable state of repair
- Must have reasonably modern facilities and services
- Must provide a reasonable degree of thermal comfort

In addition to the above formal standards the dwelling must;-

- Be in a clean hygienic condition
- Be in good sound decorative order, internally and externally. Wall finishes to be two coat emulsion or basic grade wallpaper.
- Bathroom / kitchen wall finishes to be washable grade (tiling in any shower area).
- Where pre-existing flooring needs replacement, basic grade domestic carpet will be required, (kitchens & bathrooms which shall be washable one piece vinyl).
- Staircase to have at least one securely fixed substantial full length handrail.
- Be safe and secure i.e. all doors and windows to be sound, fully operational and lockable where relevant – normally both external doors to each have a five lever mortice lock and all ground floor openable windows fitted with locks. Front external door to be fitted with a security bolt & chain.
- Have a kitchen with one-piece washable vinyl flooring. Kitchen sink - stainless steel with at least one drainer. Gas or electric cooker point.
- Have adequate space heating throughout. Preferably (but not essentially) a gas fired wet radiator system.
- Have garden(s) in good order, including all garden walls and/or fences, and be free from dangerous debris.
- Have garage(s) and or garden shed(s) in sound safe condition, or they must be removed entirely from the premises.
- Have a current Gas Safety Register gas safety certificate
- have a current NICEIC (or equivalent) Periodic Inspection certificate for the electrical installation
- Be thermally efficient, requiring insulation to the external walls and loft to meet building control requirements.
- Adequate passive and mechanical ventilation.
Appendix 4

Landlords Private Sector Leasing Scheme Grant

Terms & Conditions

1. Landlords can apply for a grant of up to £1,000.00 maximum over a three year period, where any category 1 hazards or category 2 hazards assessed as D or E have been identified using the Housing Health & Safety rating System (HHSRS) under the Housing Act 2004.

2. Determination of whether category 1 or 2 hazards are present within the property will be identified by a technical officer from the private sector housing team following an inspection of the property.

3. In order to Qualify for the grant landlords must be signed up to Broadland District Councils' Private Sector Leasing Scheme for a minimum period of two years.

4. Broadland District Councils' leasing scheme is an arrangement in which landlords with properties within the district enable nominated tenants selected by the housing options service who are currently on Broadland District Councils' housing waiting list to be re-housed within their properties.

5. The property shall be managed by the landlord and the tenants shall be managed by the housing options team during the minimum two year period as the arrangement allows nomination rights only by the Housing options service.

6. An application by a landlord for the thousand pound maximum grant will be per dwelling. Landlords with multiple properties within the district can make an application for each of their properties within the district, and this includes properties containing self contained flats where there are no shared facilities or services between the self contained flats.

7. Tenants will be signed up to Assured Short hold tenancies of 12 months which will allow suited tenants to extend their tenancies with the approval of both the landlord and the housing options service.

8. It is a requirement for landlords to obtain a gas safety certificate, an electrical domestic installation report and an Energy Performance Certificate (EPC) for their properties. Landlords must have these in place prior to any application for a grant. Where an EPC has made recommendations for improving the energy performance of the property, the grant may be used to implement the recommendations.
9. The works will be identified by a technical officer from the private sector Housing team who will then generate a schedule of works which will describe what works are required, this will then be given to the landlord who will be expected to obtain two competitive quotes for each identified defect. In the case where works are expected to be under £500.00 only one estimate will be required.

10. Contractors are expected to estimate the works based on the schedule of works, the schedules are signed by both the landlord and the contractor. The landlord will then complete an application form and submit this along with the signed schedules to Broadland District Councils’ private sector housing team who will then determine whether the estimates are reasonably priced and pick the cheaper of the two estimates and process the grant to approval.

11. Payment of the grant will only be made direct to the contractor following receipt of invoices by either the landlord or contractor and following a final inspection of the property by the technical officer who will determine whether the property is suitable for occupation. Where a property is not deemed suitable for occupation the grant will be withheld until the technical officer deems the dwelling suitable.

12. Landlords who wish to carry-out works themselves or use a relative of theirs will be permitted however, the cost of the materials only will be grant eligible.

13. Landlords wishing to terminate the agreement for whatever reason, before the 2 years has expired will be required to repay the grant in full.

14. Landlords wishing to apply must firstly contact the Housing options service who will visit the property and forward the landlords details and possible defects to the Private Sector Housing team to arrange for an inspection of the property.

**Appendix 5**

Healthy Homes Loans: terms and Conditions

- An additional arrangement fee will be required. The arrangement fee and any agency fees can be included in the total loan figure.

- The duration of the loan period is defined as from the date of the deed, required as part of the process to detail the loan as a Land Charge at HM Land Registry, to the date of receipt of final payment clearing the balance of the loan.

- Interest will be charged for the duration of the loan period and as such will be charged from the date on which the loan is issued to the day before the loan repayment is received by the authority.
The interest rate applied to such loans will be set for each financial year at an annual compound rate at 1.75% above the Bank of England base rate on the 1st of April for each year. Where the Base Rate is changed on 1st April of any year to the rate of the 1st April on the preceding year, during the course of the loan, interest for that year will be based on the new rate.

The maximum Healthy Homes Loan that can be approved in any single application is £15,000 subject to the limitations imposed by paragraphs below.

Successive loans may be given (for different works). A second application will not normally be considered for at least 12 months after the previous Healthy Homes Loan was paid.

The repayment figure including interest can be provided upon notification of the payment date by the applicant.

The maximum HHL funds that may be approved for any one single owner or grouping of co-owners is £20,000 at that property in a ten year period dated from approval of the first loan, subject to the limitations imposed by paragraphs below.

Where an applicant or joint applicants have unfettered equity in the property subject to the loan application, the value of any loan approved under this policy will not be permitted to exceed 70% of the value of that equity, valued at or around the date of approval of the loan.

Where an applicant or joint applicants does/do not have unfettered 100% equity in the property subject to the loan application, the maximum loan will be limited to any such amount (up to the limits set by paragraphs 5 to 8 Appendix 5) that, at the time of the loan approval, will take the total of all charges against the property to no more that 70% of the market value of the property as at the date of approval of the loan.

Healthy Homes Loans repayment.

- On sale or transfer of the property, the full value of the loan shall be repaid in full. Including the applicable charged interest.
- Where a loan is offered to a long leaseholder (see para 6.5) repayment will be required on sale or transfer of the lease.
- Where a loan is offered to a lifetime licensee (see para 6.5) repayment in full shall be required on determination of the licence to occupy (for whatever reason).