



# DEMOLITION AND DECANT POLICY

# DOCUMENT CONTROL

<b>Document Reference / Version Number</b>	<b>Version 2 – August 2016</b>
<b>Title of Document</b>	<b>Demolition &amp; Decant Policy</b>
<b>Authors Name(s)</b>	<b>Wendy Stewart</b>
<b>Authors Job Title(s)</b>	<b>Technical Manager</b>
<b>Directorate(s)</b>	<b>Communities</b>
<b>Document Status</b>	<b>Final</b>
<b>Supersedes (Version &amp; Date)</b>	<b>Version 1 – October 2007</b>
<b>Approved By</b>	<b>EMT</b>
<b>Date of Approval</b>	<b>24<sup>th</sup> August 2016 and electronically by Director of Communities on 31.08.16.</b>
<b>Publication / Issue Date</b>	<b>August 2016</b>
<b>Date of Annual Review</b>	<b>August 2017</b>
<b>Changes Made at Last Review</b>	<b>full revision</b>
<b>Full Review Date</b>	<b>August 2019</b>
<b>Distribution</b>	<b>Website/ Intranet</b>

Rochdale Boroughwide Housing Limited is a charitable community benefit society.

FCA register number 31452R.

Registered Office: Sandbrook House, Sandbrook Way, Rochdale OL11 1RY.

Registered as a provider of social housing. HCA register number: 4607



# CONTENTS

Section	Page
Purpose	4
Introduction	4
Consultation	4
Visits to Residents	4/5
Priority Status	5
Offers	5
Refusals, Appeals and Review	5
Returners to the Redevelopment Area	5/6
Support for Vulnerable People	6
Help with the Cost of Rehousing	6 - 8
Equality and Diversity	9
Monitoring and Review	9

## **1. Purpose**

- 1.1 This policy sets out the principles relating to the rehousing of secure tenants affected by redevelopment or demolition schemes.

## **2. Introduction**

- 2.1 A 'decant' involves a tenant moving from current permanent accommodation to an alternative home usually during major refurbishment or repair of their current property. In such cases, the move to alternative accommodation would be temporary. This policy does not apply to these circumstances.
- 2.2 In a redevelopment scheme involving demolition, tenants will need permanent rehousing. This will be a choice based process, where the tenant may choose permanent rehousing in another RBH home in the Borough, or rehousing with another Registered Provider in or out of the Borough or a private rented home. Depending on the specific scheme it may be possible for some to be offered the option to move away to temporary accommodation and then return to a new home in the redeveloped area. Options will be set out at the start of each scheme.

## **3. Consultation**

- 3.1 Consultation will follow the consultation plan for new development schemes. This is in line with statutory requirements, good practice and what we know has worked well when consulting with tenants and communities previously. It focuses on a phased approach where those affected most by the proposals are consulted with first and those less at later stages. It includes consultation with key stakeholder such as local members and established community groups. If appropriate broad opinion will be sought in the early strategic stages, when drafting an area regeneration framework. However feedback from residents on recent schemes has been that they welcome being informed about proposals when there is certainty of them and timescales are known. This helps to prevent undue distress and residents feeling 'in limbo'. Once a more detailed scheme has been agreed, RBH will carry out personal one to one meetings with affected tenants.

## **4. Visits to Residents**

- 4.1 RBH will work with all secure tenants on a one to one basis to:
  - Outline the proposals and how it will affect them
  - Outline the timescales for the proposals
  - Discuss the rehousing options available
  - Discuss the rehousing needs of the permanent household for whom RBH accepts responsibility
  - Discuss the compensation entitlements
  - Discuss the support available

- Provide a dedicated contact at RBH for all queries throughout the process

#### 4.2 The range of rehousing options includes:

- Moving to and renting another RBH home on or near the current neighbourhood.
- Moving to and renting another RBH home elsewhere in the Borough.
- Move to a home (existing or newly built) owned by another Registered Provider on or near the neighbourhood
- Move to a home (existing or newly built) owned by another Registered Provider elsewhere in the Borough
- Buying a new home either outright or through an affordable home ownership scheme
- Renting a home from a private landlord
- Moving in with family or friends

### **5. Priority Status**

- 5.1 RBH will give priority rehousing status to tenants whose homes are due to be demolished. This priority will be given at the time that RBH confirms demolition is to take place and that rehousing of residents is to commence.

### **6. Offers**

- 6.1 Offers of accommodation will be made in accordance with the following principles:
- Where appropriate, offers will be made on a 'like for like' basis on property type (move from a 1b flat to a 1b flat, or from a 3b house to a 3b house). Where a tenant is currently under-occupying a home, advice will be given on whether downsizing to a smaller property may be of benefit,.
  - RBH cannot guarantee that households within the permanent household with a right to rehousing will be rehoused separately.
  - RBH will make reasonable endeavor to accommodate the wishes of tenants who are being rehoused and the process will be a choice based.

### **7. Refusals, Appeals and Review**

- 7.1 RBH aims to ensure that we reach agreement on offers of suitable alternative accommodation so that the rehousing programme proceeds smoothly. This will be achieved through timely and sensitive dialogue with tenants so that offers are appropriate, that adequate support is given throughout the process and it is established if additional support is needed and financial assistance is provided at key stages to assist with the costs of moving.
- 7.2 If refusals do occur, and following a review RBH finds that suitable and reasonable offers have been made, RBH will take possession proceedings under

appropriate grounds, but this is as a last resort. The offer of accommodation will continue to be available to the tenant when the possession order takes effect.

## **8. Returners to the Redevelopment Area**

8.1 Tenants who wish to remain in the neighbourhood will be rehoused there if suitable homes are available. This may be an RBH home or a home owned by another Registered Provider.

8.2 Tenants wishing to remain in the neighbourhood will be advised to indicate this when they complete their rehousing application. The suitability of tenants who are subject to legal proceedings on the grounds of nuisance or anti-social behavior to remain in the neighbourhood will be assessed.

8.3 If it is not possible to offer a suitable home in the area at the point when the tenant needs to be rehoused due to a lack of availability, the tenant can choose to be housed in temporary accommodation elsewhere and to return when a suitable property becomes available. Those tenants that do return to the neighbourhood will be rehoused according to their needs. They will not receive any additional financial compensation to support this secondary move.

8.4 Each redevelopment/demolition programme is different, and there may need to be specific policies developed on returning to new homes developed if this is something which is offered as an option. In these circumstances the tenants will be offered the 'right to return' and they will be rehoused temporarily until new homes are completed. Where this occurs it will be by exception and first preference will always be to rehouse tenants permanently.

## **9. Support for Vulnerable People**

9.1 RBH recognises that moving home is especially difficult for certain tenants and residents. RBH will prepare for rehousing by working with residents to identify who needs extra help, care and support as part of the move. A dedicated point of contact within RBH will be provided to residents to ensure continuity in support.

9.2 RBH will work closely with care and support services to identify and address unmet needs among residents; to find suitable alternative accommodation that meets any special needs of tenants; and to provide support throughout the rehousing process including settling into a new home/neighbourhood.

9.3 Where possible, RBH will endeavor to offer a single move to older residents or those suffering from ill health who wish to stay within or near the redevelopment area.

## **Demolition and Decant Policy**

## **10. Help with the Cost of Rehousing**

10.1 This section outlines how RBH will compensate tenants who are required to leave their homes. Tenants may receive the following types of assistance:

- Home Loss Payment
- Disturbance Payment
- Contribution to Removal Costs

### **Home Loss Payments**

10.2 Home Loss payments are designed to compensate certain categories of occupiers who are required to leave their homes permanently because of redevelopment works. It is a payment in recognition of the disruption of losing what is often a long-standing home.

10.3 The statutory background to Home Loss payment is set out in the Land Compensation Act 1973 as amended by the Planning and Compensation Act 1991. The amount of Home Loss Payment payable to a person is set out at section 30 of the Land Compensation Act 1973 (sums set out in the Homeloss Payments (Prescribed Amounts) (England) Regulations 2004, SI 2004/1631). This is currently £5,300.

10.4 Tenants will receive one payment. If there are joint tenants, the sum is divided proportionally between all joint tenants.

10.5 In order to be entitled to Home Loss payment the following must apply:

- A person must be displaced from his or her home permanently
- The displacement must have been in consequence of, for example, a compulsory acquisition of an interest in the house, the making, passing or acceptance of a housing order, the redevelopment of land or improvement of any house on the land, the making of a possession order by the Court etc.
- The person must have been in occupation of their home or a substantial part of it, as his or her only or main residence throughout the period of 1 year ending with the displacement, and have been a tenant or secure licensee, long leaseholder or in occupation under a contract of employment.

10.7 For tenants who have been in occupation of their home for less than 1 year, RBH may make a discretionary Home Loss at a rate of one twelfth of the statutory rate for each completed month that the tenant has lived in the home.

10.8 The date that a tenant becomes eligible for Home Loss payments is the date that RBH Board and Funders approve the demolition proposals. The report to both

## **Demolition and Decant Policy**

Board and Funders will include details of numbers of households entitled to payments, and a calculation of the expected total payments for the redevelopment scheme.

- 10.9 Payment of Home Loss will be processed on the date that keys are returned for their previous home and termination of the original tenancy.
- 10.10 RBH will deduct any rent or recharge arrears from the Home Loss payment. The amount of the deduction will be the arrears or recharge arrears as at the date of termination of their original tenancy. If subsequent payments are made into the account, for example backdated housing benefit, which take the account into credit after the tenancy has ended then this credit would be refunded to the tenant.

### **Disturbance Payments**

- 10.11 Disturbance Payments aim to compensate displaced occupiers for the actual cost of moving from their homes.
- 10.12 Disturbance Payments are a fixed rate like Home Loss Payment and are payments towards expenses reasonably incurred during the move. The current rate RBH pays is £500. This is in line with that paid under Housing Market Renewal and consistent with our peers.
- 10.13 Tenants may be entitled to both Home Loss Payments and Disturbance Payments. If they do not qualify for Home Loss Payments, they will still be entitled to Disturbance Payments.
- 10.14 To qualify for Disturbance Payments the person must:
- Have a legal interest in their home at the 'relevant date' regardless of the length of their tenancy;
  - Be displaced from his or her home permanently;
  - The displacement must have been in consequence of, for example, acquisition of the land by local authority with compulsory purchase powers, the making of a housing order, the improvement of the house, or redevelopment of land by a housing association or the redevelopment of the land or the improvement of the house by a local authority with compulsory purchase powers;

## **Removal Costs**

10.15 Removal Costs can be claimed as follows:-

### **Either**

RBH will arrange the removals and will pay the removal company direct up to value of £250,

### **Or**

A £250 bank transfer or cheque payment will be made to enable the tenant to arrange their own removals.

## **11. Equality and Diversity**

11.1 An Equality Impact Assessment for this policy has been completed.

## **12. Monitoring & Review**

12.1 All RBH strategies, policies and procedures are reviewed on a regular basis in order to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.

12.2 This policy, including any other related policies and procedures will be reviewed annually in order to ensure its continued appropriateness and formally reviewed and submitted to the appropriate 'approving body' every three years.

12.3 Monitoring of this policy will be carried out by the Homes Panel