

Policy	Essential planned moves
Users of Policy	CBC and CBH Officers
Date Adopted	1 November 2014
Date last Reviewed	April 2020
Review Frequency	Every 3 years
Best Before Date	April 2023
Scheme Delegation	
Formation of Policy	Portfolio Holder for Housing
Amendments	Portfolio Holder for Housing
Monitoring	Client Asset Manager
Implementation	Client Asset Manager
Appeals	Client Services Manager

1. Purpose

- 1.1 To set out the Council's approach, to move a secure Colchester Borough Council tenant temporarily or permanently from their home because Colchester Borough Council needs to carry out repairs where the tenant cannot remain in occupation or there are redevelopment plans for their home.
- 1.2 To ensure that all moves are carried out consistently, with the needs of the tenant taken fully into account.
- 1.3 To set out the prioritisation criteria to be used when there are multiple essential moves needed.
- 1.4 To set out the entitlement to Home Loss, Disturbance and Discretionary payments.

2. Legislation, Guidance and Background

- 2.1 **The Housing Act 1985** gives guidance on when a Secure Tenant can be asked to leave their home. A Secure tenant can only be asked to leave their home if the Landlord obtains an Order for Possession from the court. The Order must be based on the grounds which are set out in the 1985 Housing Act. The relevant grounds are Ground 10 concerning demolition or work to the home or the land it is on, or Ground 10A which concerns repossession needed to enable a regeneration scheme to go ahead. It also gives guidance on offering suitable alternative accommodation under schedule 2, Part IV. Throughout this policy we use the term "tenant" to mean secure tenant. Introductory tenants will be treated in the same way as secure tenants unless a legal notice to end their tenancy has been served
- 2.2 Home Loss and Disturbance Payments are payable under the **Land Compensation Act 1973, Part III**. They are payable where the Landlord is improving, disposing of, or developing the property, and the tenant cannot remain in occupation. A home loss payment is only paid for a permanent move. Disturbance payments can be paid to compensate for reasonable

expenses incurred in the moving process; it can be paid to residents in addition to the home loss payment and to residents that do not qualify for a home loss payment.

- 2.3 The Council allocates social housing under the Gateway to Homechoice Allocations Policy using a choice based lettings scheme.
- 2.4 Throughout this policy we use the term 'essential moves' to describe these moves; they may be known by others as 'decants'.

3. The Policy

- 3.1 Essential moves is the term used to describe the process where tenant(s) are required to move from their homes either temporarily or permanently because their landlord needs to carry out repairs where the tenant cannot remain in occupation or there are redevelopment plans for their home.
- 3.2 Responsibility for housing these tenants lies with the landlord of the tenants affected. This policy concerns essential moves of tenants where Colchester Borough Council (CBC) is the landlord.
- 3.3 A temporary essential move is when a tenant may need to move out of their home, but the intention is that they will return to their home. For example, the tenant may need to move out of their home so that major work can be carried out and will move back in after the work has been completed.
- 3.4 A permanent essential move is when a tenant is required to move from their home and either;
 - a) cannot return, or
 - b) where a tenant can return to the property, but the works are so extensive that they cause the dwelling to lose its original identity. For example, a reduction in bedrooms, merging a separate bathroom and toilet into one room, the address and entrance has been changed and the total floor area of the flat has changed

In either circumstance the tenant will be offered an alternative property as their permanent home.

- 3.5 If a tenant is required to move out of their home because of major repairs resulting from damage or neglect of their home caused by the tenant then the tenant will not be entitled to any Home Loss or Disturbance payment. If a tenant is evicted before completing an essential move, they will not receive any payments.
- 3.6 This policy does not apply to emergency situations, for example, when an unexpected event has caused a property to become uninhabitable due to a fire or flood, or the property can not be secured over night and there are

health and safety risks if the tenant remained in the property. In these circumstances Colchester Borough Homes (CBH) will offer assistance which may include alternative accommodation, however, there is no entitlement to Home Loss or Disturbance payments under these circumstances.

- 3.7 Introductory tenants will be treated in the same way as secure tenants unless a legal notice to end their tenancy has been served.

Finding suitable alternative accommodation

- 3.8 Tenants will be advised as early as possible if they are required to leave their home permanently. Tenants will be registered on the housing needs register (Band F – non-bidding band) and will be able to indicate their preferences for where they would like to live. Tenants will not take part in the choice-based lettings scheme but will be given a direct offer (see section 7.12 of the Gateway to Homechoice Allocations Policy).
- 3.9 Tenants who are having a permanent essential move will be offered a property of the same size as their current property. If the tenant would like to downsize, they may ask to do so at the same time and may be eligible for incentive payments under the Council's transfer incentive scheme, if in operation at the time. In the case of a temporary essential move, if a tenant is under-occupying a property, they will be offered a property consistent with the size criteria in the Gateway to Homechoice Allocations Policy (see section 6.1).
- 3.10 The alternative offer of accommodation must not be to the detriment of the tenant in terms of amenity and should also attempt to reflect the tenant's needs in terms of getting to work, school or health appointments.
- 3.11 Temporary essential moves are for a certain time period, and the tenant will be required to return to their original home. Therefore, although the Council will try to offer an alternate Council property, it may need to facilitate the temporary move through offering a property with another social landlord or private landlord.
- 3.12 For a tenant moving permanently, they may be offered a property with a landlord other than CBC but can decide whether to accept this property.
- 3.13 If a tenant does not accept a suitable offer of alternative accommodation, the Council may start possession proceedings to recover the property.

4. Disturbance payments

- 4.1 Tenants who are needing a temporary or permanent essential move are eligible for disturbance payments. There is no qualifying time period to have held their tenancy with CBC.

- 4.2 Disturbance payments are compensation for the actual reasonable expenses involved in moving. Reasonable removal costs and costs of setting up the new home will be covered.
- 4.3 Reasonable removal costs and costs of setting up the new home could cover: removal costs, disconnection and reconnection costs of services, redirection of mail, curtains (if needed), carpets and some miscellaneous items. This list is not an exhaustive list, and claims will be considered on an individual basis. Tenants will be advised to check whether additional items will be covered before incurring costs.
- 4.4 Payments will not be made to tenants if they choose to move voluntarily before being moved by CBC, for example transferring into another property through the choice-based lettings scheme.

5. Home Loss payments (Permanent essential moves)

- 5.1 Home Loss payments are statutory payments in recognition of the personal upset and distress caused to a tenant who has been permanently moved from their home to allow extensive improvements and repair works to be carried out on their property or for the property to be redeveloped, closed, demolished or sold. It is in addition to disturbance costs.
- 5.2 The amount of Home Loss payment is set by the Secretary of State; it can be reviewed and varied. The level of home loss payment must be reviewed each time the policy is used. The payment is divided equally between joint tenants.
- 5.3 A home loss payment will only be payable to someone who is;
- a tenant, and who has
 - lived in the property for more than one year at the date of moving.
- 5.4 If a tenant has lived in the property for less than a year but has previously completed an essential move and did not receive a Home Loss payment, and the combined residence in the two homes is for more than one year they will be eligible for a Home Loss payment on this move. Where a tenant has succeeded to the tenancy within the previous 12 months, they are able to add the previous length of residence of the deceased tenant.
- 5.5 Payments will not be made to tenants if they choose to move voluntarily before being moved by CBC, for example transferring into another property through the choice-based lettings scheme.
- 5.6 Where a tenant has rent arrears the home loss payment may be used to pay off any arrears on the current tenancy.
- 5.7 Home loss payments and disturbance payments are payable once the tenant has received notification that an essential move is required. Payments will be made on or before the latest of:

- a) the date the tenant moves out;
- b) not later than three months, from a claim being made.

6. Discretionary payments

6.1 If the tenant dies following a notification of an essential move and has not claimed a home loss or disturbance payment, the payment may be claimed by:

- A joint tenant
- A person with the right to succeed to the tenancy

If there is more than one person entitled to claim the payment, it will be divided equally between them.

7. Prioritising multiple essential moves

7.1 If there are multiple tenants moving from a site, for example a sheltered scheme, they will be prioritised for rehousing based on their tenancy start date. This is the date that their tenancy started at the property they are being asked to move from.

8. Complaints Procedure

8.1 Complaints about how the policy has been implemented including any payments will be dealt with by Colchester Borough Homes (CBH). Tenants should follow the CBH procedure for making a complaint, details are available on the CBH website.

8.2 Complaints about the policy will be dealt with by Colchester Borough Council (CBC). Tenants should follow the CBC procedure for making a complaint, details are available on the CBC website.

8.3 In some circumstances it may be necessary for both CBC and CBH to consider a complaint together. Where this is necessary the complaint will be dealt with under the CBC complaints process as the Landlord.

9. Appeals

9.1 Appeals will be considered in respect of a 'suitable offer'. The tenant must state clearly why the alternate property is not considered suitable and provide supporting information.

- 9.2 The appeal must be sent to CBH within 10 days of the date of the offer of an alternative property.
- 9.3 In some circumstances it may be necessary for an appeal to be referred to CBC for consideration. Where this is necessary the Client Services Manager will consider the appeal and provide a response.

10. Service Standards

- 10.1 Complaints will be dealt with within the service standards of the complaints policies of CBC and CBH respectively.
- 10.2 Appeals will be acknowledged within 5 working days of receipt.
- 10.3 The outcome of an appeal will be provided within 20 working days of receipt of the appeal.

11. Monitoring and Review

- 11.1 Service Standards will be monitored in accordance with the relevant policies.
- 11.2 Reviews of the policy will be conducted every 3 years or when there is a relevant change in legislation or in response to a change of relevant CBC policy.

12. Communicating the Policy to Staff

- 12.1 Managers and staff involved in the implementation of the policy will receive a copy of the policy.
- 12.2 The Council will provide sufficient training to enable staff to understand and comply with the policy.
- 12.3 If a large-scale essential move is required the policy will be provided to the project team when established.

13.0 Communicating the Policy to Customers

- 13.1 The policy will be available on the Council's website.
- 13.2 A leaflet will be available to tenants on the Colchester Borough Homes' website.