

Policy	Temporary and permanent essential moves of tenants
Users of Policy	CBC and CBH Officers
Date Adopted	1 November 2014
Date last Reviewed	N/A
Review Frequency	Every 3 years
Best Before Date	
Scheme Delegation	
Formation of Policy	Portfolio Holder for Housing
Amendments	Portfolio Holder for Housing
Monitoring	Housing Client Coordinator
Implementation	Housing Client Coordinator
Approval of	ALMO Performance Manager

1. Purpose

- 1.1 To set out the Council's approach to be carried out if a need arises to move a tenant temporarily or permanently from 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.

2.0 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, PtIV.
- 2.2 Home Loss and Disturbance Payments are payable under the **Land Compensation Act 1973**. They are payable where the Landlord is improving, disposing of, or developing the property, and the tenant cannot remain in occupation. Home loss is only paid for a permanent move. Disturbance payments can be paid when a move is temporary or permanent for reasonable costs incurred in the moving process.
- 2.3 Allocations of social housing are made under the Council's Allocations Policy.
- 2.4 These moves are often known as 'decants', however in this policy they are called essential moves.

3.0 The Policy

- 3.1 Essential moving is a term used to describe the process where residents are required to move from their homes either temporarily or permanently because their landlord needs to carry out repairs or there are redevelopment plans for their home.
- 3.2 Responsibility for housing these tenants lies with the landlord of the affected residents. This policy concerns essential moves of tenants where Colchester Borough Council 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 so that major work can be carried out to their home, 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 cannot return. They will be offered an alternative property as their permanent home.
- 3.5 If a tenant has 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 payment. If a tenant is evicted before completing an essential move, they will not receive any payments.
- 3.5 This policy does not apply to emergency situations; for example when an unexpected event has caused a property to become inhabitable 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 CBH will offer assistance which may include alternative accommodation; however there is no entitlement to Home loss or Disturbance payments under these circumstances.
- 3.6 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

- 3.6 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 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 7.1 of the Allocations Policy).

- 3.7 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 benefits under the Council's transfer incentive scheme if in operation. In the case of a temporary essential move, if a tenant is under-occupying a property, they will only be offered a property consistent with the size criteria in the Allocations Policy.
- 3.8 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.
- 3.9 Temporary essential moves are for a certain time period, and the tenant will then 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 move through offering a property with another social landlord or private landlord.
- 3.10 For a tenant moving permanently, they may be offered a property with a landlord other than Colchester Borough Council, but can decide whether to accept this property.
- 3.11 If a tenant does not accept a suitable offer of alternative accommodation, the Council may start possession proceedings to recover the property.

4.0 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 of length of tenancy.
- 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. These costs will change over time and so CBC will advise tenants about the maximum limits for items when informing them of the need to move.
- 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 exhaustive and all reasonable 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 by agreeing a mutual exchange with another tenant.

5.0 Home Loss

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 Tenants receive a flat rate of £4,700 at the date of this policy. The payment is divided equally between joint tenants. The level is set by the Secretary of State and can be reviewed; therefore the levels of home loss payments should be reviewed each time this policy is used.

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 less than a year but 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. Tenants who have succeeded to the tenancy within the year 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 or by agreeing a mutual exchange with another tenant.

5.6 The home loss payment may be used by Colchester Borough Homes to pay off any rent arrears on their current tenancy.

6.0 Discretionary payments

6.1 If the tenant dies and has not claimed a home loss payment, their payment may be claimed by:

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

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

7.0 Criteria for priority when multiple essential moves are occurring.

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.

8.0 Appeals Procedure – application of policy

8.1 Where the appeal is in respect of how the policy has been applied a Senior Officer will investigate the case and respond. Those who appeal should state the part of the policy not applied correctly.

8.2 Where the appeal is in respect of a 'suitable offer' the tenant must state clearly why the alternate property is not considered suitable and supporting information provided.

8.3 All appeals must be received within 28 days of the date of the decision to be appealed.

9.0 Service Standards

- Appeals Acknowledgement, including the name and telephone number of Officer dealing with the appeal – within 5 working days of receipt.
- Outcome of Appeal – within 28 working days.

10.0 Monitoring and Review

10.1 We will monitor our performance in meeting the Service Standards set out in this policy.

10.2 A review will be conducted after the 1st year of implementation to consider whether the Policy and Procedures have led to the efficient and effective processing of essential moves with high levels of customer care.

10.3 Future reviews will be conducted when there is a significant change in legislation.

11.0 Communicating the Policy to Staff

11.1 Managers and staff involved in the implementation of the policy will receive a copy of the policy.

11.2 The council will provide sufficient training to enable staff to understand and comply with the policy.

11.3 A copy of the policy will be placed on the 'Hub' and website and Colchester Borough Homes' website.

12.0 Communicating the Policy to Customers

12.1 The policy will be available on the Council's and Colchester Borough Homes' website.

13.0 Scheme Delegation

Formation of Policy	Portfolio Holder(s) with delegated responsibility for the Financial Management of the Housing Revenue Account
Amendments	Portfolio Holder(s) with delegated responsibility for the Financial Management of the Housing Revenue Account
Monitoring	Housing Client Coordinator
Implementation	Housing Client Coordinator
Approval of Requests	ALMO Performance Manager