

**ISLINGTON & SHOREDITCH
HOUSING ASSOCIATION (ISHA)**

DECANTING POLICY & PROCEDURE

CONSULTATION DRAFT

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1. INTRODUCTION

- 1.1 To provide the best possible service to our residents and to achieve value for money, it may be necessary to declare a property or block of flats as uneconomical to maintain. In this case a decanting programme may be required.
- 1.2 The decision to decant residents will be agreed by SMT and in the case of permanent decants of more than one resident, Board approval for the decision will be sought. Once this has been granted, the residents will be decanted into suitable alternative accommodation. The decanting can take 2 forms:

A – Permanent Decant – where the resident(s) is/are moved out permanently into suitable accommodation. This is usually the case where the property/block is to be demolished.

B – Temporary Decant – where the residents(s) move out for a period of time, enabling their property to be improved and then move back into their original home.

2. POLICY

It is the policy of the Association to:

- 2.1 Carry out the decant with the agreement of residents and produce a “Decant Agreement” containing the agreed terms of the decant. See paragraph 4.3.
- 2.2 Give residents facing permanent decanting 12 months notice although in certain circumstances shorter notice may be given.
- 2.3 Keep residents fully informed and involved throughout the decanting process via monthly/quarterly decanting newsletters and meetings as and when required.
- 2.4 Formally serve a notice of seeking possession (NOSP) on residents to confirm their status as decantees (this may help them in securing Suitable Alternative Accommodation with Local Authorities).
- 2.5 Advise residents of their rights to compensation and any other matters affecting their tenancies or home due to decanting. Any arrears of rent will be deducted from Home Loss Payments.
- 2.6 Rehouse residents permanently in Suitable Alternative Accommodation, taking into account their housing needs at the time.
- 2.7 It is NOT the policy of the Association to offer a right to return to the new development to permanent decants. However, residents’ request to transfer to the new development may be considered.

3. PRINCIPLES

3.1 Suitable Alternative Accommodation

- 3.1.1 Where residents are moving permanently, those under-occupying their present homes will be offered alternative accommodation more appropriate to their current needs. For example a couple occupying a three bedroom flat will be offered a one or two bedroom flat. Residents moving permanently and giving up a bedroom will be entitled to an ex-gratia payment. This is currently £500.00 per bedroom.
- 3.1.2 Households with adult children permanently living with them may be offered separate accommodation for the tenant(s)/Leaseholder(s) and the adult child(ren) to alleviate overcrowding.
- 3.1.3 In making an offer of Suitable Alternative Accommodation ISHA will have regard to residents’ stated preferences but an offer will be deemed as suitable if it is *reasonably suitable to the needs of the resident and his/her family as regards to proximity to place of work, rental and extent of the accommodation* .
- 3.1.4 The Association may offer a resident to be decanted a new property at an Affordable Rent rather than a “target” or social rent. In this instance, the offer will be deemed to be suitable even if the rent is substantially higher than the one

currently paid by the resident.

3.1.5 It is the policy of the Association to make ONE offer of suitable alternative accommodation only. ISHA may, at its discretion extend the number of offers it makes.

3.1.5 If a resident rejects an offer of suitable alternative accommodation the Association will institute court proceedings to obtain possession under Ground 10 of the Housing Act 1985 for secure tenants or Grounds 6 and/or 9 of the Housing Act 1988 for assured tenants.

3.2 Major Redevelopment Programmes

3.2.1 On estates being improved on a phased basis, residents will be offered either a home in a newly refurbished block or a home elsewhere on the estate, wherever possible. Residents will be advised of the range of other rehousing options, including mutual exchanges and shared ownership, etc.

3.2.2 Residents do not have the right to move back to the block from which they were decanted when the works to the block have been completed. Priority in the redevelopment block will be given to tenants facing decanting from the next block to be refurbished.

3.2.3 Residents who wish to move back to their former block may request a transfer. Should any surplus homes remain after allocation to those who have priority, former residents may then be considered, but only for accommodation that meets their requirements at the time of the transfer.

3.3 Modernisation/Major Repairs

3.3.1 In the case of modernisation work or major repairs, which do not involve redevelopment, residents will usually be offered the option to return. If the move is of very short duration (seven to ten days), ie when using a hazardous substance, the use of hotel accommodation may be a more acceptable alternative. In which case, the residents' furniture, etc can be secured in the home. Compensation payments will not be applicable as the Association will pay for any costs involved (hotel, etc).

3.4 Notice to move

3.4.1 In the case of decanting due to phased redevelopment work or demolition, ISHA will aim to give residents 12 months notice to move prior to the anticipated commencement of work/demolition. In other circumstances, as much notice as possible will be given to residents.

3.4.2 The decanting process will begin as soon as possible after residents have been notified formally of the association's intention to decant. The aim is to achieve vacant possession of the premises 6-months prior to the commencement of works/demolition.

3.4.3 A notice of intention to seek possession (NOSP) will be served upon residents as a matter of course and will serve as formal notification that the decanting process has commenced. (See Paragraph 2.4)

3.5 Tenancy status on being rehoused

- 3.5.1 When residents move permanently to alternative accommodation they will take on new tenancies, whilst retaining their original tenancy status, either secure or assured. The rent they will pay will be the fair or assured rent on their new homes.
- 3.5.2 When residents move temporarily, returning to their original homes after works, they retain their tenancies and continue to pay the same rent, unless the rent on the temporary accommodation is lower, in which case the lower figure is charged.
- 3.5.3 Residents moving for short periods, typically less than 6 months will be issued with licences to occupy the premises and will receive clear written confirmation that they only have a licence to occupy the temporary accommodation. They will be expected to return to their home when it is ready for occupation. The Licence will be signed by both parties prior to occupation.
- 3.5.4 Residents moving for 6 months or more will be issued with Assured Shorthold Tenancies for a minimum of 6 months and will be served with a Section 21 Notice Requiring Possession after 4 months.

3.6 Compensation

Tenants facing permanent rehousing due to decanting are entitled to compensation consisting of both:

- 3.6.1 **Home loss payment:** This is a statutory fixed sum paid in recognition of the personal upset and distress caused by displacement. It will only be paid for permanent moves, where the following criteria have been met:

The Resident must have occupied the property as their sole or main residence for a period of one year prior to the date of displacement.

The move must be permanent.

- 3.6.2 Qualifying residents will be entitled to a lump sum of £4,700.00 per household as a home loss payment. Claims will be processed as soon as the tenant takes up occupation of their new home. Any rent arrears will be deducted from the home loss payment.
- 3.6.3 **Disturbance payment:** This is intended to compensate residents for their actual expenses associated with moving, **up to** a maximum payment of £2000.00. The payment will be made after production of receipts (See Appendix 1). Consideration will be given for payments to be made direct to a company i.e. for removal expenses. In such cases two written estimates will be required and the company will be paid direct following receipt of an invoice.
- 3.6.4 Residents facing temporary rehousing are entitled to compensation by way of disturbance payment only and will not be entitled to a Home Loss Payment.

3.6.5 All compensation payments will require a written claim from residents (and in the case of Disturbance Payments, production of original and company signed receipts) and will be paid upon them moving into Suitable Alternative Accommodation.

4 PROCEDURE

4.1 The first step in the decanting process is the decision by SMT that there is a decanting requirement based on factors such as asset management principles, the best interests of residents and financial viability.

4.2 Having identified a decanting requirement, a business case proposal is to be formulated and presented to the Board by the Director of Development & New Business. Once the proposal has been approved by the Board, either fully or in principle, discussions with residents should commence.

4.3 A draft “Decant Agreement” will be drafted by the Revenue Allocations & Performance Director (RAPD) and developed after consultation and agreement by residents. The agreement will set out key areas such as the timetable, serving of the NOSP, details of the suitable alternative accommodation available, compensation and likely new rent levels.

4.4 The Tenancy Services Manager (TSM) will arrange a residents’ meeting to discuss the decanting proposal and the draft agreement. The attendees at this inaugural meeting will include the relevant Development, RAPD and Tenancy Services staff. The purpose of the meeting is twofold; to inform residents of the proposal and to seek their views on the proposal and Decant Agreement.

4.4 This meeting will also initiate the communication process with residents with monthly/quarterly updates on progress. The minutes of the first meeting will form the first communique.

4.5 The TSM will draft and serve the NOSP on decanting grounds, with a covering letter. The Allocations & Voids Officer (AVO) will send residents a Decant Request Form (See Appendix 2) requesting completion and return as soon as possible, but allowing a minimum of 21 days for completion. The form provides residents with an opportunity to let us know the size and type of suitable alternative accommodation they require and to raise any relevant medical or social factors as part of their stated preference.

4.6 The AVO will also contact the relevant Local Authority (and Regional Partnership where appropriate) to advise them formally of the decanting requirement (this will impact on the nominations agreement as decants are netted off from all new developments) and to secure assistance with rehousing for decanted residents.

4.6 Once the Decant Request Forms are returned, the Allocations & Voids Officer will commence finding suitable alternative accommodation for the residents, giving them priority over all other applicants.

4.7 The aim will be to decant all residents at least 6 months before the demolition/commencement of work. The remaining period may be used to

occupy the premises as temporary housing to prevent squatting/unauthorised occupation and as a security measure.

- 4.8 If a tenant refuses to move or rejects an offer of Suitable Alternative Accommodation, the TSM will institute court proceedings to obtain possession. Such action will need to be taken sufficiently early, to ensure that the demolition/commencement of work is not delayed or disrupted.
- 4.9 In exceptional circumstances and at the discretion of the Association, subject to the availability of accommodation and taking into account the financial circumstances of the Association, a resident may be re-housed temporarily, prior to being offered suitable Alternative Accommodation.
- 4.10 In the case of temporary accommodation offered under paragraph 4.9, the Association will not normally be liable for any additional expenditure incurred by the resident (e.g. storage costs etc.) and only one disturbance payment will be paid. The resident will receive the Home Loss Payment (where applicable) upon moving into permanent accommodation.

5 Diversity

- 5.1 The Association will act within the scope of the Diversity Policy and Equal Opportunities Statement when decanting residents. The Decant Request Form (Appendix 2) specifically requests diversity information from all residents.
- 5.2 This information will be used to ensure that ISHA does not treat any resident who has a protected characteristic less favourably than other resident. Furthermore, it will be used to identify any resident who is vulnerable and may require ISHA to provide additional assistance.
- 5.3 The Association may provide reasonable additional assistance, above the stated Disturbance Payments in paragraph 3.6.3, to residents who are vulnerable and require additional help with moving home; particularly elderly, pregnant, infirm or disabled residents.

6 Appeals & Complaints

- 6.1 An appeal against any aspect of this policy or procedure will be dealt with as if it were a complaint and will be dealt with in accordance with the Association's Complaints Policy & Procedure.

**HOME LOSS AND DISTURBANCE PAYMENT
RECORD SHEET**

Tenants Name:

Address (Current):

Address (Former):

Tenancy Date:

DISTURBANCE PAYMENT

<u>Reconnection Charge:</u>		<u>Receipts attached</u>
Electricity	£.....	Yes / No
Telephone	£.....	Yes / No
Gas	£.....	Yes / No
Cooker	£.....	Yes / No
Washing Machine	£.....	Yes / No
Dishwasher	£.....	Yes / No
Removals	£.....	Yes / No
TV Aerial Transfer	£.....	Yes / No
Relaying/replacement carpets/curtains	£.....	Yes / No
Redirection of mail	£.....	Yes / No
Other (please specify)	£.....	Yes / No
	Yes / No
Total Claimed	£.....	
Total Eligible	£.....	(max £.....)
Other Allowances (please specify)	£..... _____	Yes / No
Total	£.....	Date paid:.....
Home loss:	£.....	
Date paid:.....		
Signed:		Date:.....

ISHA DECANT REQUEST FORM


OFFICE USE ONLY

Decant within scheme :

Decant within ISHA :

External:

Date form received:

STRICTLY CONFIDENTIAL

Please fill in this form carefully and clearly. When completed, please return it in the pre-paid envelope provided to the Allocations & Voids Officer. You can also contact this officer if you need any help with completing the form. The Association aims to treat all applicants equally and fairly. No person or group of people will be treated less favourably, for example because of their age, colour, disability, family circumstances, gender, marital status, ethnic or national origin, religion, sexual orientation or HIV status.

YOU AND YOUR HOUSEHOLD

Your Title:	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms
Other (please specify) _____				
Surname: _____		First name(s): _____		
Date of Birth: _____		Age: _____		
Employment Status: _____		National Insurance Number: _____		
Current Address: _____				
_____			Postcode: _____	
Telephone:	Home: _____	Work: _____		
	Other: _____			

WHO WILL LIVE WITH YOU?

Please list below any other people who will live with you, even if they are not living with you at present.

If you are applying for accommodation solely for yourself, then go to the next section.

SURNAME	FIRST NAME(S)	DATE OF BIRTH	AGE	SEX	RELATIONSHIP TO YOU	OCCUPATION*
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		

MEDICAL OR PHYSICAL NEEDS

Do any members of your household have a medical or physical problem? Please answer all the questions given below.

Does anyone in your household have a disability?	YES/NO
Is anyone in your household registered disabled?	YES/NO
Does anyone in your household have any physical difficulties relevant to your housing situation?	YES/NO
Does anyone in your household need ground floor, or another specific kind of accommodation?	YES/NO
Is there anyone in your home who requires Wheelchair adapted accommodation?	YES/NO
If you answered yes to any of the above, please give details below.	

PETS

Does any member of your household have any pets? YES/NO
If yes, please give details below:

Please note the Association does not normally allow dogs or cats to live in flats or maisonettes. Permission must be sought and obtained in writing to keep an animal of this nature.

YOUR CURRENT HOME

How long have you lived at your present address?

Years: _____ Months: _____

What floor is it on? _____

Number of Bedrooms _____

WHERE WOULD YOU LIKE TO LIVE?

Please answer all questions given below:

How many bedrooms do you need?

Would you like to live in sheltered accommodation?.....Yes/No
(Sheltered accommodation is for older residents. It usually has a warden and/or emergency alarm service)

Do you need wheelchair adapted accommodation?Yes/No

Can you cope with a long flight of stairs?Yes/No

Do you have any other essential requirements?.....Yes/No

If yes please detail below:

YOUR AREA REFERENCES

The Association has properties in the following areas please tick the areas you would like to move to:

Islington		Hackney	
Angel, N1, EC1		Dalston, E8	
Canonbury, N1		Haggerston, E2	
Essex Road, N1		Hoxton, N1	
Crouch Hill, N4, N19		London Fields, E9, E2, E8	
Finsbury Park, N4, N5		Stoke Newington*, N16	
Highbury, N1, N5, N7		Well Street E9 (new build)	
Holloway, N19, , N5, N7			

Camden		Waltham Forest	
Covent Garden, WC2 (zero vacancy level)		Hale End, E17	
		Walthamstow, E17	

ADDITIONAL INFORMATION

Is there any other information you would like to add about your preferred area? For example do you want to move there because you have family living there or you work in that area? Please outline any other local connection you may have with the area:

EQUAL OPPORTUNITIES

Would you classify yourself as (please tick only **one** box numbered 1 to 18)

White	British	1
	Irish	2
	Other	3
Mixed	White and Black Caribbean	4
	White and Black African	5
	White and Asian	6
	Other	7
Asian or British Asian	Indian	8
	Pakistani	9
	Bangladeshi	10
	Other	11
Black or Black British	Caribbean	12
	African	13
	Other	14
Chinese	Chinese	15
Vietnamese	Vietnamese	16
Other South East Asian	Other South East Asian	17
Prefer not to answer	Prefer not to answer	18

Do you regard yourself as disabled? YES NO

Is your Gender? Male: Female: Male to Female Female to Male

Is your Sexuality?

Heterosexual Lesbian Gay Male Gay Bisexual

Other Prefer not to Say

Is your Faith?

Buddhist Muslim Jewish Hindu Sikh

None Prefer not to Say

DECLARATION AND YOUR SIGNATURE

I/We confirm that the answers given here are true and give the Association permission to carry out any checks required. I/We understand that I must tell the Association if my/our circumstances change. I/We also understand that if I/we give false information my/our request may be disqualified.

Signature of tenant(s) _____

Date _____

Please note, make sure you attach to this form any relevant documentation in support of your move before returning it to this office e.g. a GP or Consultants letter.

Many thanks for completing this form.
Please return it in the pre-paid envelope provided to the ***Allocations & Voids Officer*** at:

**ISHA
102 Blackstock Road
London
N4 2DR**