

ISHA / LIEN VIET HOME LOSS & DISTURBANCE POLICY

1 INTRODUCTION

In order to provide the best possible service to our customers 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 programme of rehousing may be required.

The decision to rehouse **CUSTOMERS** will be agreed by SMT and in the case of permanent rehousing of more than one **CUSTOMER**, Board approval for the decision will be sought. Once this has been granted, the customers will be rehoused into suitable alternative accommodation. The rehousing can take 2 forms:

A – Permanent Rehousing – where the customer(s) is/are moved out permanently into suitable accommodation. This is usually the case where the property/block is to be demolished or remodelled so that it is no longer suitable for the household

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

2 AIM

It is the policy of the Association to:

- Carry out the rehousing with the agreement of customers and produce a “Rehousing Agreement” containing the agreed terms of the rehousing.
- Give customers facing permanent rehousing 12 months’ notice although in certain circumstances shorter notice may be given.
- Keep customers fully informed and involved throughout the process via regular newsletters and meetings as and when required.
- Formally serve a notice of seeking possession (NOSP) on tenants to confirm their status as required to move (this may help them in securing Suitable Alternative Accommodation with Local Authorities).
- Advise customers of their rights to compensation and any other matters affecting their tenancies or home due to this process. Any arrears of rent will be deducted from compensation payments.

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- Rehouse customers permanently in Suitable Alternative Accommodation, taking into account their housing needs at the time.
- It is NOT the policy of the Association to offer a right to return to the new development to customers who are rehoused permanently. However, customers' requests to return may be considered and in these cases they will be rehoused on a temporary basis whilst work to their home is undertaken.

3 STATUTORY & REGULATORY FRAMEWORK

- Housing Act 1985
- Housing Act 1988
- Statutory Instruments 2017 No.769 - Acquisition of Land England
- Disability Discrimination Act 2005
- Data Protection Act 1998

4 DETAILS

4.1 Suitable Alternative Accommodation

Where customers 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.

Households with adult children permanently living with them may be offered separate accommodation for the tenant(s) and the adult child(ren) to alleviate overcrowding.

In making an offer of Suitable Alternative Accommodation ISHA will have regard to customers' stated preferences but an offer will be deemed as suitable if it is *reasonably suitable to the needs of the customer and his/her family as regards to proximity to place of work, rental and extent of the accommodation* .

The Association may offer a customer to be rehoused to 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 customer.

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.

If a customer 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.

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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 customer may be re-housed temporarily, prior to being offered suitable Alternative Accommodation. In these cases the Association will not normally be liable for any additional expenditure incurred by the customer (e.g. storage costs etc.) and only one disturbance payment will be paid. The customer will receive the Home Loss Payment (where applicable) upon moving into permanent accommodation

4.2 Major Redevelopment Programmes

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

Customers do not have the right to move back to the block from which they were rehoused when the works to the block have been completed. Priority in the redevelopment block will be given to customers who are required to move from the next block to be refurbished.

Customers 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 customers may then be considered, but only for accommodation that meets their requirements at the time of the transfer.

4.3 Modernisation/Major Repairs

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

4.4 Notice to move

In the case of rehousing due to phased redevelopment work or demolition, ISHA will aim to give customers 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 customers.

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

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A notice of intention to seek possession (NOSP) will be served upon customers as a matter of course and will serve as formal notification that the rehousing process has commenced.

4.5 Tenancy status on being rehoused

When customers 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.

When customers 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.

Customers moving for short periods, typically less than 6 months will be issued with licences to occupy the temporary 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.

Customers 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.

4.6 Compensation

Assured and Secure tenants facing permanent rehousing due to decanting are entitled to a statutory compensation payment.

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 tenant (s) 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.

Claims will be processed as soon as the tenant(s) takes up occupation of their new home. Any rent arrears will be deducted from the home loss payment.

Disturbance payment: This is intended to compensate customers for their actual expenses associated with moving, **up to** a maximum payment of £2000.00. The payment will be made after production of receipts. 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.

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Customers facing temporary rehousing are entitled to compensation by way of disturbance payment only and will not be entitled to a Home Loss Payment.

All compensation payments will require a written claim from the tenants (s) (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.

5 HEALTH & SAFETY

5.1 All staff will have access to the Customer Alert Register and must ensure they check this prior to carrying out any visits or interviews.

5.2 All staff will adhere to the organisation's lone working policy where site visits or visits to customers' homes are required.

6 EQUALITY & DIVERSITY

6.1 The Association will act within the scope of the Diversity Policy and Equal Opportunities Statement when rehousing customers.. We will collect diversity information when rehousing customers.

6.2 This information will be used to ensure that ISHA does not treat any customer who has a protected characteristic less favourably than others. Furthermore, it will be used to identify any customer who is vulnerable and may require additional assistance.

6.3 The Association may provide reasonable additional assistance, above the stated Disturbance Payments in in section 4.6, to customers who are vulnerable and require additional help with moving home; particularly elderly, pregnant, infirm or disabled customers.

7 TRAINING

7.1 ISHA will ensure that all staff involved in rehousing customers are sufficiently trained and/or have the relevant experience and understanding of tenant's rights to home loss and disturbance allowances.

7.2 We will also ensure that staff have appropriate training and that they understand the issues faced by families who may be required to move home particularly where this decision was not of their choice.

8 DATA PROTECTION CONSIDERATIONS

8.1 We will adhere to ISHA's Data Protection policy when implementing the Home Loss and Disturbance policy. We will ensure that customer data obtained for the purpose of rehousing is held securely.

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9 MONITORING

9.1 In line with section 6 above we will monitor the diversity of customers rehoused under this policy.

9.2 Any appeal against any aspect of this policy will be dealt with in accordance with ISHA's Complaints Policy.

10 REVIEW

10.1 This Policy will be reviewed every 3 years or sooner if there are any changes in legislation.

11 ASSOCIATED DOUMENTS

- Data Protection Policy
- Complaints Policy
- Equality and Diversity Policy

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