



# Housing Management

## Decants

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<b>Scope:</b>	This policy applies to Circle 33 Housing Trust, Commercial and Leasehold, EPIC Trust, Mercian Housing Association, Merton Priory Homes, Mole Valley Housing Association, Old Ford Housing Association, Roddons Housing Association, Russet Homes, South Anglia Housing, Wherry Housing Association.
<b>Effective Date:</b>	July 2009
<b>Review Date:</b>	July 2011
<b>Signed Off :</b>	Group Policy Forum, 25 <sup>th</sup> June 2009
<b>Author:</b>	Amy Carter, Policy Officer
<b>Policy Owned by:</b>	Policy
<b>KLOE:</b>	Stock Investment and Asset Management
<b>QAF (Supported Housing):</b>	
<b>Statute:</b>	The Landlord and Tenant Act 1985 Defective Premises Act 1972 Environmental Protection Act 1990 Housing Benefit Regulations 2006 (part 2, subsection 7) The Land Compensation Act 1973 – Home Loss Payments Regulations 2008
<b>Regulatory Code:</b>	3.4

# Decants

## 1 Scope

1.1 This policy applies to:

- Circle 33 Housing Trust
- Commercial and Leasehold
- EPIC Trust
- Mercian Housing Association
- Merton Priory Homes
- Mole Valley Housing Association
- Old Ford Housing Association
- Roddons Housing Association
- Russet Homes
- South Anglia Housing
- Wherry Housing Association

## 2 Policy Statement

2.1 Circle Anglia works to improve people's life chances through providing great homes and reliable services to residents, and through helping build sustainable communities where people want to live and work.

2.2 When a resident is moved from their permanent home into alternative accommodation, this is known as a decant. A decant may be necessary because of an emergency such as fire or flood damage or because planned major works mean that the property is uninhabitable.

2.3 This policy sets out our commitment to providing a customer-focused and effective approach to decanting residents.

## 3 Policy

3.1 Where necessary repair or improvement work has been identified, we will assess the works required and decide whether minor works or major works, or more permanent measures such as disposal or demolition are necessary.

3.2 Where works cannot be completed with the resident continuing to occupy the property, we will arrange alternative accommodation.

3.3 Residents will be involved from the outset of the decant process. We will identify the needs of the household and do everything we can to provide the most suitable accommodation.

- 3.4 We recognise that moving can be stressful or upsetting for residents. We are committed to making the move as easy as possible, we will keep residents informed on the progress of the works in their home.

### **Decant Principles**

- 3.5 The following points should be made clear to the resident:
- the move is temporary and only lasts as long as it takes to do the work to the property
  - the tenant at all times remains a tenant of their original home
  - all extra costs as a result of the decant will be covered by Circle Anglia
  - we will usually only make one offer of accommodation that meets the tenants needs
  - the temporary home is let to the tenant on a License to Occupy.
  - the move does not affect any outstanding transfer request

OR

- the move is permanent owing to the need to re-develop the property or the area where the property is located; or where the registered provider is able to offer a permanent decant.

### **Permanent Decants**

- 3.6 In some situations, where major redevelopment work is being undertaken, a property may be demolished or significantly altered. Where this is the case, the residents would be permanently decanted. This would result in a new letting.
- 3.7 A permanent decant may also be offered where repairs or improvement work is likely to take a long period of time. This will help the resident as they will not have to move more than once, and can be more cost effective than a temporary decant.
- 3.8 We will provide suitable alternative accommodation for a permanent move and work with the resident to meet their requirements and preferences.
- 3.9 If a temporary decant was planned, but the resident wishes to remain in the decant property, Circle Anglia will not unreasonably refuse the request.

### **Costs**

- 3.10 Circle Anglia will arrange for additional costs associated with the decant to be covered. This may include any additional accommodation costs, removal costs, disturbance payments to cover the costs of moving, and other reasonable costs associated with the decant. Reasonable costs include, but are not limited to: expenses incurred because of not having facilities such as a kitchen or laundry facilities or extra travel costs. The resident will not incur a loss as a result of needing to be moved.

- 3.11 Where a resident is decanted into a property equivalent to their permanent home, they will continue to pay their usual rent amount. Circle Anglia will cover any rent difference. Where the property is smaller, we will reimburse the resident for the loss of facilities incurred, usually by arranging a rent reduction.
- 3.12 Where the decant is as a result of planned work or re-development, the cost of decanting residents should be covered by the works budget.
- 3.13 Where the decant is as a result of an unexpected event, covering the cost of the decant and the repair works will be negotiated with our insurers.

### **Managing Agents**

- 3.14 Where a property is owned by Circle Anglia but managed by an agent or, managed by Circle Anglia on behalf of another property owner; the responsibility for decants will be managed in accordance with the managing agreement.
- 3.15 If the managing agreement does not explicitly mention decant processes, the property owner and the managing agent will need to agree who is responsible for covering the costs of the decant prior to any works being undertaken.

### **Decant Panel**

- 3.16 Housing and property management teams will work closely together to resolve problems with decants.
- 3.17 Where there are any unexpected or major problems with a decant, a panel of representatives from housing management, property management, supported services and any relevant contractor firms as appropriate, will meet to address them. Situations may include several decant households vying for the same type of property or major changes to the decant budget.
- 3.18 The panel will allocate resources as appropriate and make priority decisions.

## **4 Emergency Decants**

- 4.1 Where an unexpected event has caused a property to become uninhabitable, in most cases, we will contact the relevant local authority. In accordance with the law local authorities have a duty to re-house any person who is homeless because their property is uninhabitable.
- 4.2 Where the local authority cannot provide accommodation the registered provider will arrange alternative accommodation.
- 4.3 Accommodation provided by the local authority may only be temporary accommodation and may not be fit for purpose for a long term decant. Where the property provided by the local authority is not suitable for the household's needs on a longer term basis, we would follow the decant procedure to re-house the residents into alternative accommodation for the period of the works.

## 5 Tenure Type

### General needs, market rent and key worker tenants

- 5.1 Where tenants need to be decanted from a property that we let, we will offer them suitable alternative accommodation for the decant period.

### Freehold, leasehold and shared ownership

- 5.2 Where a freehold, leasehold or shared ownership property is in a state of disrepair, this will usually be the individual owner's responsibility.
- 5.3 Where the disrepair is independently assessed to be a pre-existing fault with the property, Circle Anglia or our contractors may be responsible for the repair. This issue will be addressed on a case by case basis with our insurers.
- 5.4 Where Circle Anglia agree to undertake repairs for a leaseholder or shared owner, the resident will usually be decanted in accordance with the [decants procedure](#).

## 6 Homeloss and Disturbance Payments

- 6.1 Where residents are obliged to move permanently as a result of demolition or major planned redevelopment works they are entitled to a statutory homeloss payment.
- 6.2 Residents must have occupied the property for a minimum of one year.
- 6.3 This payment will usually be off-set against arrears, if there are any. We may make an exception where the homeloss payment is needed by the resident to help them cover any immediate moving costs.
- 6.4 Where there are joint tenants or co-owners, one homeloss payment will be shared between them.

### Tenants

- 6.5 If a property is going to be demolished or re-developed and the resident is being permanently decanted, they are entitled to the statutory homeloss payment of £4700.
- 6.6 If the permanent decant is a voluntary decision as a result of repair work, the resident is not entitled to a homeloss payment.
- 6.7 If residents are evicted prior to being decanted, they will not receive a homeloss payment.
- 6.8 If the tenant is a statutory successor, the homeloss payment entitlement period begins from the start date of the original tenancy, rather than the succession date.

### **Property owners**

- 6.9 Where a property is owned by the resident and it is due to be demolished, Circle Anglia will pay the owners the market value of their home and a homeloss payment.
- 6.10 Homeowners receive a homeloss payment of 10% of the market value of their home, between the minimum of £4700 and the maximum of £47,000.
- 6.11 These amounts are set out by law in the Land Compensation Act 1973 (Home Loss Payments Regulations updated 2008)
- 6.12 Shared owners receive a statutory homeloss payment of 10% of the market value of their home between a minimum of £4700 and a maximum £47,000 minus the percentage that they do not own.

### **Disturbance payments**

- 6.13 We will pay all reasonable costs that residents will incur/have incurred by moving home; this includes the daily allowance allocated to those who are not re-housed in a property with equivalent facilities to their usual home.
- 6.14 Expenses will only be paid when evidenced by receipts or bills.

## **7 Training**

- 7.1 Training is available for processing housing benefit overpayments. Please see the [Rent and Housing Benefit](#) section for further information.

## **8 Monitoring**

- 8.1 The payments team will monitor all payments made to every decanted resident.
- 8.2 Works completed will be monitored by the property manager in accordance with the Circle Anglia Property Lettings Service Standard and where applicable, the Communities and Local Government Decent Homes standard.

## **9 Equality and Diversity**

- 9.1 It is essential to recognise that customers of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equally and fairly.
- 9.2 All customers will have access to this document upon request or from our website [www.circleanglia.org/customers](http://www.circleanglia.org/customers)
- 9.3 This document and accompanying leaflet can be translated or provided in alternative formats (e.g. Braille, large print, audio) upon request.
- 9.4 Equality and Diversity training is mandatory for all staff.

## Glossary

Term	Definition
<b>Decant</b>	When a person must temporarily move out of their home to allow works to take place, they move into alternative accommodation. This is known as a decant.
<b>DLO</b>	Direct Labour Organisation
<b>GPF</b>	Group Policy Forum
<b>SMPRG</b>	Senior Managers Policy Review Group

## Version history

<b>Version no.</b>	1	<b>Date effective:</b>	July 2009
<b>Full / partial review?</b>	New group policy		
<b>Brief summary of changes:</b>	n/a		
<b>Staff consultation (teams):</b>	Housing management, supported housing management and property teams of all group partners, Group Insurance Manager, Heads of Continuous Improvement, Group Risk Management, Commercial and Leasehold, Group Finance – payments and rent finance.		
<b>Legal consultation</b>	Eversheds - Housing benefit regulations		
<b>Resident consultation:</b>	<p>Residents and service users of all group partners were consulted as part of the 2009 Resident Involvement project. Feedback was received from: Circle 33 Policy Review Focus Group, EPIC forums (East and London), Roddons TAG, Wherry Policy Review Group.</p> <p>Changes as a result of resident consultation included:</p> <ul style="list-style-type: none"> <li>• Further considerations added to decant assessment section – including pets and shift working</li> <li>• The option of a holiday for decant accommodation being removed as it was considered extravagant in the economic climate and overly difficult to arrange.</li> <li>• Flexibility being added to the daily allowance rates as individual decant situations vary widely.</li> <li>• Decanted households will be offered a single staff member to contact with any concerns about their move or during the decant.</li> </ul>		
<b>Signed off by:</b>	GPF, 25 <sup>th</sup> June 2009		
<b>Author:</b>	Amy Carter, Policy Officer		

<b>Version no.</b>	2	<b>Date effective:</b>	
<b>Full / partial review?</b>			
<b>Brief summary of changes:</b>			
<b>Staff consultation (teams):</b>			
<b>Resident consultation:</b>			
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<b>Author:</b>			