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## DECANT POLICY

### Introduction

At Sutton Housing Society (SHS) we aim to maintain and improve our homes to a high standard and wish to develop high quality housing.

Sometimes we may need to decant (move) residents to another property because we need to carry out repairs, which cannot be completed with the resident(s) remaining in their home. We may also wish to move residents because of redevelopment to enable additional new homes to be provided.

We know that decants can be disruptive and difficult for residents. We will therefore ensure that:

- residents are consulted about decants and that their individual needs and circumstances are considered
- we provide residents with clear information and keep them informed throughout the decant process
- we comply with Part III of the Land Compensation Act (Home Loss Payments Regulations updated 2008) when making home loss and disturbance payments.

Depending on the situation, decants can be permanent or for a temporary period. Decants may arise in circumstances such as:

- Emergency situations e.g. due to a flood making the property uninhabitable
- Refurbishment / planned works where the home (s) must be vacated as the work required is too extensive for anyone to remain there
- The property is to be demolished.

### Decant principles

We will carry out a 'decant assessment' with the resident(s) before progressing with their move. This will help us to identify the residents specific housing needs, special circumstances and any support they may require.

All reasonable costs incurred because of a decant will be covered by SHS and agreed in advance and in writing with the resident.

### Temporary decants

A temporary decant may occur due to an emergency arising relating to the resident's home or it may be necessary to enable repair works to be undertaken where the repairs needed are extensive enough to make it unsafe for anyone to remain living in the property whilst the works are carried out.

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If the repair work is due to take more than six months, we would normally wish residents to consider a permanent move; however, this is and will remain their choice.

Up to a maximum of three suitable offers of alternative accommodation can be made. During the period of the temporary decant, the resident remains the tenant of their original home; the temporary home will be let to the resident using a licence to occupy arrangement.

Residents can choose to stay with family / friends while we carry out repairs or they may choose to stay in a hotel / B & B. If this is the case, they will be entitled to receive compensation.

After moving into their temporary home, residents may wish to make this a permanent move. If the temporary home is suitable accommodation, meets the residents housing needs and is not designated as respite for other residents, this proposal can be authorised by the Operations Director. Where permission is granted, a new tenancy agreement will be issued, and the original tenancy will be terminated.

**Emergency decants**

There will be rare occasions when residents must move out of their home due to an emergency. These can include issues such as a fire at the property or the block in which they live; a flood affecting the property or the area in which the property is located.

SHS must be satisfied that the property is not habitable due to the nature of the damage to the property, or that the property is inaccessible. This may be because whilst the property itself is not damaged, the resident cannot access it due to flooding in the area or the access points to the property have been damaged, say in a block of flats.

We would always encourage residents in the first instance to stay temporarily with family or friends as SHS does not have any emergency accommodation available.

However, in situations such as this we may be able to make use of our guest room accommodation at Dorothy Pettingell House, Trickett House and Thomas House. We may also be able to utilise any vacant homes that are ready to let and that are not under offer.

Should there be no accommodation available to us, and the resident does not have any family or friends that they can stay with temporarily, we will liaise with the local authority emergency planning and homelessness teams to secure some form of temporary accommodation. Any very temporary arrangements must be reviewed with residents every few days, with the aim being to return residents to their permanent home safely as soon as possible.

**Rent charges**

For temporary decants, residents will continue to be liable to pay the rent charges on their principal home. Similarly, subject to eligibility, housing benefit rules allow for any entitlement to continue for up to 52 weeks in respect of the tenant's principal home.

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**Disturbance allowance**

We will also compensate residents for reasonable costs sustained moving from one property to another.

If residents wish to make their own arrangements, we will agree cost limits with them. We will not usually consider payments for items such as carpets and other fixed furnishings for temporary decants of eight weeks or less. However, if there is a health and / or medical reason why this should be reviewed, we will discuss this with the individual concerned.

**What will happen if residents refuse to move?**

We want to work with our residents to achieve the decant. However, if residents refuse to move when a decant is necessary, we can, and will where necessary, take legal action to require them to move.

We will always ensure that we make at least two reasonable offers of accommodation before commencing with legal action.

**Permanent decants**

A permanent decant is usually made when residents cannot return to their home, due to the need to redevelop or demolish their home.

All reasonable costs incurred because of the decant will be covered by SHS and agreed in writing with the resident. A "home loss" payment is also payable for permanent decants.

Up to a maximum of three suitable offers of alternative accommodation can be made.

**Home loss payments**

Where residents are required to move permanently, they are entitled to a statutory home loss payment, subject to meeting the entitlement criteria set out in Part III of the Land Compensation Act (Home Loss Payments Regulations updated 2008).

The main criteria for qualification for home loss payment is:

- the resident must have occupied the property as their sole or main residence for a period of one year or more prior to the date of decant
- the move must be permanent
- the resident must be a full assured tenant.

Home loss payment levels are set by the Secretary of State and are updated by legislation. The rate from 1 October 2018 is £6,300 and any home loss payment sum will be checked to ensure the correct sum is being paid. The sum is paid per property, not per resident (named tenant).

SHS reserves the right to off-set the home loss payment against any outstanding debts to SHS. Residents will be notified of this in advance and will have the opportunity to clear the debts.

If the resident is a statutory successor, the home loss payment entitlement period begins from the start date of the original tenancy, rather than the succession date.

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In addition to the home loss payment, residents who are to be permanently moved are entitled to a *disturbance allowance*.

**Exceptions to the home loss payment**

The home loss payment will not be paid in the following circumstances:

- If a permanent move is a voluntary decision
- If the resident(s) are evicted prior to being decanted

We will make home-loss payments and disturbance payments to residents within four weeks of a residents' move to their new home, subject to receiving their completed compensation claim for eligible expenses.

**Discretionary compensation (permanent decant)**

If residents have lived in their accommodation for less than one year, SHS can decant these residents; they will receive discretionary compensation.

The compensation is based on how long they have been at the property: for example, if they have lived at the property for half a year, they will receive a payment equal to half the home loss payment.

If residents have any debts with SHS, we will use the payment to settle these first and pay the remaining sum to them.

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