

Aims

The aim of the scheme is to help the vulnerable members of the community where the Mandatory Disabled Facilities Grant (DFG) is insufficient to cover the full cost of the works or where the works are out of scope of the legislation but by completing them there would be demonstrable savings to the wider public purse and clear benefits to the applicant and/or their family/carers.

How will it be funded?

The grants would be funded from the DFG Budget from a dedicated part of the budget held solely for discretionary purposes. The value of this budget will be set annually by the portfolio holder/members.

Who will it help?

Those eligible for Mandatory DFG assistance.

Will it be means-tested?

There will be no additional formal means test if the works the DDFA were funding were 'in addition' to a Mandatory DFG. However, if the works were solely being funded through DDFA then the same means test as is applied to Mandatory DFG works would be applied to the DDFA application, excepting applications where the works are for the benefit of a disabled child or young person as defined by the relevant regulations.

What works could be included

Top Up Assistance

To top up the financial assistance for adaptation works where the reasonable cost of the required work exceeds the set maximum for mandatory DFG (currently £30,000). The amount of DDFA in such circumstances shall be reasonable. The Council reserves the right to consider alternative solutions where they appear more cost effective, reasonable, practicable or appropriate. NOTE: Welfare Authorities (Bedford Borough Council Social Services) also have resources and responsibility for adaptations and equipment under other legislation, e.g. the Care Act. H.I.T. service staff may also assist with charitable applications.

Support to Buy/Move

Assist the disabled person to move to a more suitable property where it is impracticable to adapt or more cost effective than adapting the current home of a disabled person to make it suitable for their present or future needs, even though the new property may need some adaptation.

Criteria for consideration in cases of help-to-buy/move; (this is not an exclusive or exhaustive list, as other factors may become apparent with experience):

Discretionary Disabled Facilities Assistance

- The disabled person may wish or need to move to give or receive care, or to receive medical treatment.
- The disabled person may wish or need to move to maintain or gain employment.
- The cost of works to the property may exceed the benefit to the client.
- The cost of works may exceed the available grant and loan maximum and any available client or third-party contribution.
- The client's calculated contribution may be unaffordable, and moving/buying is a better financial solution.
- The client may need to move to reduce rent and/or release spare bedrooms which they can no longer afford (e.g. benefits cap and/or the spare room subsidy).
- A different property may provide a greater benefit for the client for the funds.
- The current property may not be adaptable, and another property may be more amenable to adaptation.
- The current property may contain hazards or defects which would not be sufficiently addressed by the works or otherwise by the client or owner.
- The property owner (landlord) refuses to permit the adaptation.
- The property is for sale, or pending foreclosure, bankruptcy (as security against debt) or repossession.
- The tenancy is due to end and not be renewed or is otherwise unstable.
- Relationship breakdown.
- The client wishes to downsize and/or release equity (some of which could be used towards adaptation and moving costs).
- The client wishes to move to or purchase in another Council area and may be entitled to mandatory DFG in addition to support to move or buy (this may be within or outside of Bedford Borough).

Councils are required first to consult the 'welfare authority' to consider what assistance would be necessary and appropriate for the client, and then apply a test of what is reasonable and practicable in the circumstances of the property. The service must consider viable alternative solutions which appear more cost effective.

Such solutions may include contributions towards costs incurred as part of an alternative house-purchase and moving to an already adapted or more economically adaptable and suitable property. Funding will not be given towards the purchase price of an alternative property but may be provided towards legal and moving costs.

Moving and house purchase finance will be determined on a case by case basis determined by:

- the tenure and location of the original and new properties,
- the residual equity and any increased mortgage debt,
- whether moving within the District/Borough, or the County, or beyond,

Discretionary Disabled Facilities Assistance

- whether the original property is unadaptable, unaffordable or poor value to adapt,

or that moving is purely an occupier choice or as a result of a landlords refusal to permit adaptation

DFG of up to £30,000 is available for adaptations in properties residents have moved to (within the local area only) but may be reduced by any contributions to moving costs and purchase contributions.

DDFA is available to owner-occupiers with sufficient equity, but also to tenants' subject to individual determination and equitable opportunities dependent on the attitude of RSL or private landlords as regards repayable charges as above.

Note – neither tenants nor owner occupiers will be disadvantaged and the system will be equitable as far as possible, to be 'tenure blind'.

Tenants, however, with works projected to cost in excess of £30,000 will be encouraged or required to consider housing options such as relocation in priority to actual works to their rented home. Case workers may have similar options conversations with owner-occupiers.

As there are too many variables to set a fixed policy on awards for moving or buying property, each case will be determined on its merits subject to resources by recommendation from the Case Officer to the HIT Manager with sufficient discretionary authority to approve works of that value.

How much funding might be available?

DDFA may be awarded and will be subject to the availability of resources. An extra £10,000 may be available as a top-up to owner occupiers* with sufficient equity (for works above the Mandatory DFG limit as set out in current legislation, which is currently £30,000).

*tenant cases depending on particular circumstances – as tenants have no equity and landlords may decline charges, Registered Social Landlords (RSL's) may be requested to accept charge against property. Whilst tenants should not be disadvantaged, nor should their landlords be rewarded with improved properties with no security of tenure for the tenant. Offers should represent good value, but be prudent and low risk.

Where the landlord is a private landlord or Registered Social Landlord, options will be explored with the owners of the property depending on circumstances.

Will there be a charge against the property?

DDFA will be registered as a local land charge against the property and will be recovered on the sale or transfer of the property, subject to rules regarding exempt sales.

Discretionary Disabled Facilities Assistance

Note – this is separate to the £10,000 recoverable DFG which expires at 10 years from certification of works completion.

Conditions attached to the DDFA

Conditions restricting future use and ownership of the property – the following additional conditions will apply where the Council has made an award of DDFA;

- The owner will notify the Council in writing if a relevant disposal of the property is proposed.
- The owner of the property will provide, within 21 days of a written notice from the Council, a statement confirming the ownership and occupancy of the dwelling. If the property has been sold or transferred the statement will include the date of transfer of ownership.
- DDFA will be registered as a charge against the property and will be repayable on sale or transfer of the property, subject to exempt sales. The charge will be binding on successors in title.
- It is a condition of DDFA that where an owner makes a relevant disposal of the dwelling, other than an exempt disposal, the DDFA shall be repayable subject to above.
 - If a relevant disposal takes place after a period of 15 years after the certified date of completion of works, no amount shall be recovered which, after repayment of all charges registered against the property, results in owner(s) having a residual equity of less than £10,000. No account will be taken by the Council of charges subsequent to the charges registered by the Council.
 - If the property is transferred, or the sale price does not reflect the market price, the Council will have the right to seek an independent valuation of the market value, which will be binding on both parties, in order to recover the grant repayable.

Are there any other requirements for assistance to be given?

Applications for DDFA will be considered for Top-Up once works have already been started if the scheme is a Mandatory Scheme.

Where an applicant is pursuing a 'preferred' scheme and has received the maximum eligible grant funding then applications for DDFA will not be considered.

A maximum of one application for DDFA will be considered in any 5-year period.

How to apply?

Through the Council's Home Improvement Team.