

## Legislation

For reference here's a short guide to just what it says in the **Housing Grants, Construction and Regeneration Act 1996** and associated regulations as they apply to DFG.

S1. Grants are available from the local housing authority to provide facilities in the homes of disabled people.

S2. An application for a grant must be made in writing and include:

- A description of the proposed adaptations
- 2 estimates of the costs
- Details of any other fees and charges

The need to use a standard government application form was **removed in 2010**

Under **The Housing Renewal Grants (Services and Charges) Order 1996** DFG can be used to pay for:

- Confirming ownership of the property
- Building surveys
- Preparing drawings
- Preparing specifications
- Help to complete forms
- Advice on other funding
- Planning and Building Regulation applications
- Obtaining estimates
- Advice on contracts
- Supervising the works
- Connecting services; and
- Paying contractors

S3. The applicant must be 18 or over

S19. The applicant must already be the owner or tenant of the property, or intend to become the owner or tenant.

S20. There must be a disabled person living in the property

S21. If the application is from an owner, they must complete a certificate to say so and that they intend to remain living there for 5 years

S22. If the application is from a tenant, they must complete a certificate to say so and that they intend to remain living there for 5 years. A certificate should also be signed by the landlord.

S23. There are a number of purposes for which a grant 'must be approved':

- Getting in and out of the property
- Making the property safe(r) for everyone living there
- Access to the living room
- Access to a bedroom

- Access to a toilet
- Access to a bath or shower
- Access to a wash basin
- Preparing and cooking food
- Improving or providing heating if needed by the disabled person
- Controlling power, lights and heating
- Access around the property to care for someone else

S24. If the applicant isn't yet the owner, the local authority can't approve the grant until the sale has completed.

The local authority must assess whether the works are 'necessary and appropriate' to meet the needs of the disabled person, and then if those works are 'reasonable and practicable' given the age and condition of the property, e.g. if the property is in a fit state.

For district councils, they must ask for the county council's opinion on whether the works are 'necessary and appropriate'. *(In practice this is a fully assed recommendation)*

S29. The grant can't be approved if the works have already started – unless there is a good reason why. A grant cannot be approved if the works have already been completed.

S30. The grant is means tested as set out **in regulations**

S33. There is a maximum amount that can be awarded – **this is currently set at £30,000.**

S34. The council shall approve or refuse an application as soon as they can, but no longer than 6 months after the application was made.

For approvals, the council has to say what adaptations it is funding and how much they cost including and fees or charges. These can be revised if circumstances change

For refusals, the council has to say why.

S35. The grant can either be paid in instalments as the works progress or in full on completion.

S36. The council can defer payment by up to 12 months.

S37. The works must be carried out within 12 months of the approval date (or the deferred date under S.36) – but this can be extended with the council's agreement

The council can specify how the works should be carried out.

The council will only make a payment if they're satisfied with the works and receive an acceptable invoice – that isn't from a member of applicant's family.

S38. The works should be done by a contractor who provided one of the estimates for the application – unless the council agrees otherwise.

S39. If the grant applicant agrees, the council can pay the contractor directly. If the applicant isn't satisfied with the works, and the council agrees, the council can pay the applicant instead.

S40. If, after approval but before the works are finished, the applicant stops being eligible for the grant (e.g. they sell, or intend to sell the property) then the council won't make any further payments and can demand repayments.

S41. If, after approval but before the works are finished, the disabled person dies, moves, or the works become unsuitable to meet their needs, then the council will need to consider whether any more payments should be made and can demand repayments.

S42. If after approval the council finds out that:

- the application was wrong; or
- works were started before the approval; or
- works were not completed within 12 months; or
- the works cost less than expected; or
- the works were done by a different contractor

It can refuse to pay, reduce the grant or even demand repayments

S51. The council can ask the applicant to pursue any relevant insurance or legal claims which may fund the proposed adaptations – and repay the grant if they're successful.

S52. The Secretary of State can give the power to impose other conditions. For example, there is a general consent which allows councils to set a condition that allows them to reclaim specialised equipment like stairlifts if they are no longer needed.

Another **consent from 2008** says that if the applicant is an owner, the council can place a local land charge against the grant – for the portion of the grant that is over £5,000. The charge can be for up to £10,000 and applies if the owner wants to sell the property within 10 years. In that case the council has to consider if the owner is moving because of their work, wellbeing or caring responsibilities and whether it would cause financial hardship.

S56. If the disabled person dies after approval, but before the works are completed, the Council can still pay for some or all of the works including any fees or charges.

S100. Disabilities include substantial impairments in sight, hearing or speech, any 'mental disorder or impairment' and any substantial physical disability whether from birth or through illness or injury.