

HARLOW COUNCIL
Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

**The Briars, Copshall Close and Aylets Field
Relocation and Home Loss Policy**

Updated March 2016

Table of Contents

Paragraph Number	Sub Paragraph Number	Name of Item	Page Number
1		Introduction	3
2		Definition of a relocation	3
3		Aims	3
4		Objectives	3
5		Arrangements for moving	4
6		Re-housing	4
	6.1	<i>Finding suitable accommodation for tenants</i>	4
	6.2	<i>How will offers be made</i>	4
7		Property entitlement	5
	7.3	<i>Downsizing Incentive</i>	6
	7.4	<i>Additional incentive</i>	7
8		Consultation before moving	7
9		Harlow Councils responsibilities	7
10		Support for vulnerable tenants	7
11		Compensation payments to Tenants and Home Owners	8
	11.5	<i>Mandatory Home Loss payments – moving home permanently</i>	8
	11.6	<i>Discretionary Home Loss payments – moving home permanently</i>	8
	11.7	<i>Disturbance payments – moving home permanently or temporarily</i>	9
12		Payment amounts	9
	12.1	<i>Home Loss payment amounts for homeowners as of 1 October 2015</i>	9
	12.2	<i>Home Loss payment amounts for Harlow Council tenants once first phase of relocation commences.</i>	9
	12.3	<i>Disturbance payment amounts</i>	10
13		When payments will not be made	10
14		How to claim for a Home Loss or Disturbance payment	10
15		Interest Free Loan	11
16		What to do if a tenant or homeowner dies and has not claimed a Home Loss Payment	11
17		Rent Charges	11
18		Appeals	11
19		Legal	12
20		Monitoring	12
21		Complaints	12
22		Glossary of Terms	13

1. Introduction

- 1.1. This Policy has been implemented by Harlow Council for Council tenants and owner occupiers required to leave their homes at The Briars, Copshall Close and Aylets Field (BCA), Harlow on a permanent or temporary basis due to the redevelopment of the area. The Land Compensation Act 1973 sets out in full the circumstances which also includes compulsory purchase, a prohibition notice, and emergencies, major repair, demolition or redevelopment works can take place.
- 1.2. Harlow Council wishes to ease the stress and inconvenience associated with people having to leave their home so will at all times consult with tenants and owner occupiers and guide them through the moving process whilst ensuring that financial compensation payments are administered fairly and in line with regulations. This policy outlines financial compensation and practical support that is available to all eligible Harlow Council tenants and owner occupiers having to move from their permanent home.
- 1.3. This policy will also set out the rehousing policy for tenants currently living in these estates as set out in the Property Entitlement Criteria.
- 1.4. This policy contains other guidance about the process of relocating BCA council tenants in Harlow, such as support available for vulnerable tenants and how the process is dealt with from start to finish, as well as what can be expected of Harlow Council and the property entitlement when moving to an alternative home (council tenants). The policy will also act as a guide for Officers and partner registered housing providers should the situation of relocating arise.

2. Definition of Relocation

- 2.1. In this policy, relocation of BCA tenants is defined as 'the rehousing of council tenants either temporarily or permanently due to their homes being demolished for redevelopment'.

3. Aims

- 3.1. When relocating tenants we aim to:
 - Provide financial and practical support for all council tenants or owner occupiers
 - Minimise stress and inconvenience associated with moving home
 - Minimise the vulnerability of remaining tenants awaiting an offer of housing
 - Minimise the time that homes remain empty to avoid environmental impacts such as vandalism and squatting and to reduce running costs such as Council Tax
 - Offer the best housing options available ensuring that people are re-housed suitably and in the right areas to avoid personal disruption

4. Objectives

- 4.1. When relocating tenants and homeowners the following objectives apply:

We will:

- Make sure that payments made are fair
- Make sure that payments are made quickly
- Re-house council tenants as quickly as possible in a suitable home

- Provide support to council tenants and homeowners to secure a suitable home
- Ensure all re-housing options are equal, fair and inclusive of all
- Reduce the period of time that homes remain empty
- Reduce environmental impacts associated with empty homes

4.2. This policy aims to meet the Council's Key Priorities of:

- More and better housing
- Regeneration and thriving economy
- Wellbeing and social inclusion
- A clean and green environment

5. Arrangements for Moving

5.1. Tenants will be advised as early as possible of when they will be required to leave their home. Harlow Council will make all arrangements for moving vulnerable and elderly Council tenants, unless they wish to do so themselves.

6. Re-housing

6.1. Finding suitable accommodation for tenants

6.1.1 Council tenants currently living at BCA will be given the opportunity to remain living in the area, in one of the new homes, when they have been built. Should they wish to pursue this option every opportunity will be taken to ensure that disruption is kept to a minimum and that as far as possible tenants will need to move only once. However, due to the nature of the redevelopment process this will not always be possible and tenants wishing to remain in the area may need to move on two occasions.

6.1.2 All tenants are to be assured that when moving to another property they will be re-housed in a suitable location, in a property of lettable standard.

6.1.3 All tenants will be given the option to move to alternative accommodation owned and managed by Harlow Council.

6.1.4 When taking possession of a property as part of the relocation process, a Notice of Seeking Possession will be served to tenants which will require the tenant to move from their home by a certain date

6.2. How offers will be made

6.2.1. The Council's Housing Allocations Scheme will be used by tenants to bid for available properties in accordance with their housing needs assessment. Applicants will be placed in Band One of the current scheme and their original tenancy commencement date will be used to shortlist applicants within the band. It should be noted that Band One will also contain other applicants who will have an urgent need and high priority for alternative accommodation.

For each phase of the relocation process tenants who are moving on a permanent basis will be considered first for each property they have expressed an interest, i.e. they will be considered ahead of those moving on a temporary basis.

- 6.2.2 The Council will allocate a property in accordance with the Housing Allocations Scheme and the available property will, in the first instance, be matched to the applicant who is in the highest band. If more than one applicant from the same band applies for the available property, it will be allocated to the applicant with the oldest priority date
- 6.2.3 Harlow Council tenants relocated through the BCA relocation policy will be prioritised by the date each phase commences, starting with phase one. The Council will aim to relocate tenants on a phase by phase basis. On occasions there will be a need to move a tenant earlier, and before the relocation of their phase has begun. This may be due to the type of accommodation required and/or their vulnerability, as defined in paragraph 10.1, or other special reasons.
- 6.2.4 In exceptional circumstances where there is a requirement to move ahead of the planned phasing the Council will carry out a housing needs assessment and consider on a case by case basis if there is a need to move sooner than the commencement of their phase . A Review Panel of which consists of a minimum of two Senior Managers will consider each case and make a decision as to whether the tenant can be moved before their turn for relocation has been reached. The tenant will have the right to request an appeal if they are not satisfied with a decision, as defined in paragraph 18.
- 6.2.5 Whilst it is hoped that all applicants will be able to secure successful bids via the Housing Allocations Scheme. It will be necessary to make a direct offer of accommodation to those tenants who have failed to secure an offer within 18 weeks of their Initial interview with the Housing Officer In these cases if no bid or no successful bid is received within the first 12 weeks the tenant will be contacted, advice given, area requirements discussed and a further six weeks for bidding allowed. If no subsequent successful bid is received, the Council will make one offer of accommodation without further consultation.
- 6.2.6 Where a resident refuses to move or has refused an offer of suitable accommodation Harlow Council has the right to gain possession of the property for relocation purposes.
- Refusal of First Offer – The tenant/s of BCA may refuse without incurring a penalty.
 - Refusal of Second Offer – The case will be presented to a Review Panel which consists of a minimum of two Senior Managers for consideration whether or not the offer of alternative accommodation was reasonable. If the decision is found the offer is reasonable the tenant will no longer be able to bid for a property. The Council will make a direct offer of accommodation
 - Refusal of Third offer – The case will be presented to a Review Panel which consists of a minimum of two Senior Managers for consideration whether or not the offer of alternative accommodation was reasonable. If the decision is found that the offer is reasonable the Council will commence legal proceedings to take possession of the property.
- 6.2.7 For Council tenants who are registered on the Housing Needs Register, their application will not be affected by the need to be re-housed and they may continue to bid for accommodation in line with the Housing Allocations Scheme. This means no additional priority will be awarded due to relocation until such time as the relocation plan is agreed.
- 6.2.8 If a tenant makes a successful bid via the Housing Allocations Scheme prior to the first phase of the commencement of the redevelopment, they will not be entitled to a Home loss Payment or Disturbance Allowance.

6.2.9 If the tenant wishes to consider housing association properties, then the council may be able to nominate the tenant to a partner registered housing provider for any vacancies they may have. Any such properties will be advertised via the Housing Allocations Scheme.

7. Property Entitlement

7.1. Tenants who live in properties larger than their housing need are under-occupying. These tenants will be re-housed into a home more suited to their current need. However, tenants who currently under-occupy their home will be entitled to a maximum of one bedroom above their housing need.

The Council reserves the right to make a direct offer of a property at any time to a BCA tenant where it considers this would be advantageous. Particularly, where the property is of a specialised type or a property that can be adapted to meet the housing need of a household.

7.2.1 The table below sets out the ideal property size/household size ratios the Council aims to achieve:

Current Property Type	Family Composition	Property Entitlement
Bed Sit	Single Person/Couple Household	1 bed flat
	Single Person/Couple and Child Household	2 bed flat or maisonette
3 Bed Bungalow (includes conversions from 3 beds to 2)	Single Person Household	2 bed flat or house
	Couple Household	2 bed flat or house
	Couple or Single household plus 1 dependant	3 bed house
	Couple or Single household plus 2 dependants	3 bed house
4 Bed Bungalow	Couple or Single household plus 3+ dependants	3 bed house
	Single Person Household	2 bed flat or house
	Couple Household	2 bed flat or house
	Couple or Single household plus 1 dependant	3 bed house
	Couple or Single household plus 2 dependants	4 bed house
Couple or Single household plus 3+ dependants	4 bed house	

7.3 Downsizing Incentive

The Council will consider making further financial assistance available to permanently relocated tenants who are downsizing their property by at least one bedroom, in line with the current Tenant Moves Incentive Scheme which allows a payment of:

- £1,000 for one bedroom
- £1,500 for two bedrooms
- £2,000 for three bedrooms

An additional £1,000 will be paid if a tenant moves from a house or bungalow to a flat or Maisonette

7.4 Additional Incentive

In order to maximise the opportunities for tenants within the three estates wishing to move to acquire an interest in a property for use as their only principal home, the Council's current policy on "Financial Incentives, moving to alternative accommodation". provides for an additional payment of up to £10K to assist with the provision of a deposit to purchase an interest in a property within the private sector.

8 Consultation Before Moving

8.1. All Council tenants and owner occupiers' homeowners will be consulted on options available to them when plans for moving are being made and put into place, providing an opportunity to express their wishes and concerns to Council Officers about moving from their home. Discussions will be based around:

- Housing need
- Re-housing options
- Moving process
- Issues surrounding council tenants and homeowners financing their move initially
- Compensation payments available
- Special requirements (aids and adaptations)
- Extra help needed for vulnerable people

Harlow Council will always seek to reach a voluntary agreement with all tenants; however, a Notice of Seeking Possession will be served to ensure timescales are in place and is a safeguard to protect Harlow Council's interest in cases where negotiations on re-housing fail between the authority and tenants. In the vast majority of cases, legal proceedings will not progress beyond the issue of this notice. Only a possession order granted by a court can end a council tenancy.

9 Harlow Council's Responsibilities

9.1. Harlow Council will:

- Make and pay for all reasonable arrangements up to a maximum of £8,000 as per paragraph 11.7.2 and 12.3.1 for all tenants and homeowners being required to move as a result of the relocation process

- Make and pay for reasonable arrangements for the secure storage of any items that tenants and homeowners are unable to house in their temporary accommodation
- Ensure that all tenants are re-housed in a suitable area (as specified in 9.3.5)

10 Support for Vulnerable Tenants and Homeowners

- 10.1. Harlow Council is aware that some of its tenants and homeowners are vulnerable due to factors such as age, disabilities, illnesses, health problems or other vulnerabilities. When this is the case, the Council will do all they can to provide extra support to these people when they are moving home. Any council tenants or homeowners who think they would like extra support when moving home should contact the Council to discuss their needs.
- 10.2. Harlow Council understands that other individuals may have exceptional circumstances in which extra help or support is needed. The Council will give consideration to these circumstances and will liaise direct with GP's and Consultants for specialist information, and if necessary call upon the services of an Occupational Therapist for advice and assistance for both the tenant and Harlow Council Officers.

11 Compensation Payments to Tenants and Homeowners

- 11.1. Harlow Council will make reasonable payments to eligible tenants and owner occupiers, who suffer a loss, disadvantage or have extra costs to pay because of having to move home.
- 11.2. If a tenant or homeowner is moved from their home permanently because of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place they are entitled to compensation called a 'Home Loss Payment' (Land Compensation Act 1973 amended by the Planning and Compensation Act 1991).
- 11.3. There are two types of Home Loss payments that can be made , these are
1. Mandatory
 2. Discretionary
- 11.4. Harlow Council will also pay for reasonable moving costs in the form of 'Disturbance payments'.
- 11.5. **Mandatory Home Loss payment – moving house permanently**
- 11.5.1 Tenants and homeowners must have met the following conditions for at least one year before they become eligible for a Mandatory Home Loss payment (Land Compensation Act 1973 amended by the Planning and Compensation Act 1991):
- The tenant or homeowner is moving home permanently
 - The move must be a consequence of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place
 - The tenant or homeowner was living in the property as their only home
 - The tenant or homeowner was living in the home with an interest or right to live there
 - A claim for Home Loss payment can only be made once a homeowner or tenant has moved home.

11.6. Discretionary Home Loss payments – moving home permanently

11.6.1 If a tenant or homeowner is moved from their home permanently because of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place and meet the conditions to receive a Mandatory Home Loss payment, but have not lived in the property for one year or more, then they may be entitled to compensation called a 'Discretionary Home Loss payment' (Land Compensation Act 1973 amended by the Planning and Compensation Act 1991).

11.7. Disturbance payment – moving home permanently or temporarily

11.7.1. Disturbance payments can be made where a tenant or homeowner is moved from their home either permanently or temporarily because of compulsory purchase, a prohibition notice, emergencies or so that major repair, demolition or redevelopment works can take place. Disturbance payments are required in accordance with circumstances set out in the Land Compensation Act 1973 amended by the Planning and Compensation Act 1991 and are subject to maximum thresholds set by Harlow Council.

11.7.2. Harlow Council will arrange and pay for all reasonable costs (in the form of Disturbance payments) as a result of tenants and homeowners moving from their home either temporarily or permanently, for example:

- Removal expenses
- Costs of altering soft furnishings
- Re-connecting movable fixtures and fittings
- Telephone and broadband reconnection charges
- Storage
- Disconnection and reconnection of cookers and gas fires, washing machines , dishwashers and television aerials, satellite TV equipment
- Carpeting: uplifting, refitting and/or replacement
- Curtains and blinds – refitting and/or replacement
- Redecoration – in those cases where the present standard exceeds current Council standards – which may mean you will not get enough to fully redecorate your new home
- School uniforms (for change of school)
- Loss of wages incurred in the removal
- Agents fees (e.g. solicitors or surveyors costs in connection with the claim)
- Redirection of post
- Refitting of alarms and alarms systems

11.7.3 Compensation for Tenants Improvements will be dealt with under the Council's existing policy.

12 Payment Amounts

12.1. Home Loss Payment amounts for homeowners as of 1 October 2015

12.1.1 Home Loss payment amounts will be 10% of the property market value, subject to the following maximum and minimum thresholds:

- Maximum threshold £53,000
- Minimum threshold £ 5,300

Source: Land and Compensation Act 1973, Planning and Compensation Act 1991, and, The Home Loss Payments (Prescribed Amounts) (England) Regulations 2015.

12.1.2. The payment amounts above have been calculated by reference to the Department of Communities and Local Government's House Price Index.

12.2. Home Loss payment amounts for Harlow Council tenants once first phase of relocation commences

12.2.1. All tenants will receive a flat rate payment equal to the minimum payment owed to owner occupiers. Tenants who are moved permanently on or after the first phase of relocations commence are entitled to a minimum flat rate payment of £5,300

Source: Land and Compensation Act 1973, Planning and Compensation Act 1991, and, The Home Loss Payments (Prescribed Amounts) (England) Regulations 2015.

12.2.2. The Payment amount above has been calculated by reference to the Department of Communities and Local Government's House Price Index.

12.2.3. The Discretionary Home Loss payment amount made will not be more than a Mandatory Home Loss payment amount if the tenant or Homeowner has initially satisfied the conditions to receive a Mandatory Home Loss Payment.

12.3. Disturbance payment amounts

12.3.1. Disturbance payments will reflect reasonable costs incurred as a direct result of moving. All reasonable expenses (para 11.7.2) will be considered, up to a maximum of £8,000.

12.3.2. Other financial support is available to tenants and homeowners for moving costs which are beyond the scope of acceptable costs the Council will pay. Individual circumstances will be taken into account if tenants or homeowners find they are in financial difficulty – see Section 15.

13 When payments will not be made

13.1. Payments will not be made to tenants or homeowners if they move voluntarily before being moved by Harlow Council due to redevelopment. Reasons for moving voluntarily may include: being on the Housing Needs Register or by agreeing to a mutual exchange with another tenant. Please note that these reasons are not exhaustive.

13.2. If for any reason a tenant has to move home because of major repairs resulting from damage or neglect to their home then the tenant will not be entitled to any payment.

13.3. If a tenant or former tenant has costs owing to Harlow Council, then these amounts may be deducted from the total Home Loss payment.

14 How to claim for a Home Loss or Disturbance Payment

14.1. Claim forms can be obtained by visiting Contact Harlow, by telephone: 01279 446655, by writing to us or sending an email request via: contact@harlow.gov.uk

- 14.2. All claims must be made in writing using one of the Council's claim forms and must be sent to: The Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG.
- 14.3. All claims will be investigated and processed by Housing Management
- 14.4. A claim for Home loss payment can only be made once a homeowner or tenant has moved home as a result of compulsory purchase, a prohibition notice, demolition or redevelopment works.
- 14.5. Home Loss Payment can be administered at different times depending on the circumstances of the person claiming.
- 14.6. Home Loss amounts payable rise with the rising cost of house prices, however, in today's housing market, regulations may prescribe lower amounts to reflect the decreasing prices of houses.
- 14.7. All claims for Home loss Payments can be made up to six years after moving.
- 14.8. By law tenants and homeowners must receive their Home Loss payments within three months of a claim being made.
- 14.9. All Disturbance payments claim forms must be accompanied by valid receipts.
- 14.10. All payments will be made by cheque or BACS to the tenant or homeowner.

15 Interest Free Loan

- 15.1. Some tenants or homeowners may incur associated removal costs in advance of the payment of their home loss payment which they may find difficult to fund at that time and in these cases Harlow Council may offer tenants and homeowners a short term interest free loan which can then be repaid via direct deduction from their eventual payments.
- 15.2. Any application for short term loans (para. 15.1) will be administered at the Council's discretion based on the applicant's individual circumstances.

16 What to do if a tenant or homeowner dies and has not claimed a Home Loss payment

- 16.1. If a tenant or homeowner dies and was entitled to a Home Loss or Disturbance payment, it still may be claimed by a joint tenant, by anyone who was living in the property for more than a year and/or has succession rights to the property. If more than one person is entitled to claim the payment, it will be split equally.

17 Rent Charges

- 17.1. If a tenant moves to a new property on a temporary or permanent basis and the rental amount is lower or higher than the current rental charge the tenant will have to pay the amount that reflects this. Properties advertised through the Housing Allocations Scheme will state the rent and service charges for each individual property.

18 Appeals

- 18.1. If for any reason the accommodation that has been offered or the accommodation a tenant or homeowner has been moved into either temporarily or permanently is considered to be unsuitable, they have the right to appeal.
- 18.2. If for any reason a tenant or homeowner thinks the payment they have received is unsuitable they have the right to appeal.
- 18.3. If for any reason a tenant in phase three considers they should be moved sooner they have the right to appeal.
- 18.4. Tenants who request to appeal need to submit a written request within 21 days of the date of the decision. The Council will accept requests submitted by a representative. The request should be addressed to Housing Management, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG. The Council will normally carryout the review within 28 working days.

19 Legal

- 19.1. The following legislation relates to the relocating process:
 - Sections 29-34 of The Land Compensation Act 1973
 - Section 68 (3) of the Planning and Compensation Act 1991
 - Sections 106 – 110 of the Planning and Compulsory Purchase Act 2004
 - The Home Loss Payment (Prescribed Amounts) (England) Regulations 1 October 2015
 - The Housing Act 1985 (as amended by Housing Act 2004 and Housing Act 2008)

20 Monitoring

- 20.1. Monitoring of this policy will take place annually by:
 - 1) Looking at performance indicators for average time to relet properties (weeks) and number of empty properties quarterly
 - 2) Monitoring and recording amount of payments made quarterly
 - 3) Monitoring and recording the time taken to make payments from the date claimed to payment received quarterly.

21 Complaints

- 21.1. If you feel you have reason to complain please contact Harlow Council for a copy of the complaints procedure, which will tell you how to go about it. Contact details for the Council are:
Email: contact@harlow.gov.uk
Telephone: 01279 446655
Address: Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

22 Glossary of Terms

Term	Description
BCA	The Briars, Copshall Close and Aylets Field
Relocation	To provide support to and re-house people either temporarily or permanently when their homes are being rebuilt or refurbished (including as a result of emergency situations or when a prohibition notice has been served).
Disturbance Payment	Are made to compensate for reasonable expenses incurred as a result of moving i.e. removal expenses.
Compulsory Purchase	Compulsory purchase is a legal function in the United Kingdom and the Republic of Ireland which enables certain bodies to obtain land or property without the consent of the owner if they need to.
Demolition Notice	A demolition notice is used to tell tenants and leaseholders that we plan to demolish their home in the future. It also details the reasons why this is necessary. Demolition Notices come in two stages (initial and Final).
Home Loss Payment	Payments are made in recognition of the personal distress and inconvenience suffered by people who are moved from their homes permanently as a result of circumstance such as major repairs or redevelopment.
Initial Demolition Notice	An Initial Demolition notice is usually issued when the local authority intends to demolish the property but has not yet planned when it will take place.
Final Demolition Notice	A Final Demolition Notice may be issued before the demolition can take place. An Initial Demolition Notice can suspend the Right to Buy whilst a regeneration scheme is being developed.
Notice of Seeking Possession	This is a notification to you that the council intends to seek possession of your property. We will serve this notice before making an application to the court.