

**REPORT TO SOCIAL WORK AND HOUSING COMMITTEE –  
17 DECEMBER 2009**

**HOME LOSS AND DECANT REPORT**

**1 Purpose of Report**

- 1.1 To detail the arrangements for tenants who have to move because of the Improvement, Redevelopment or Demolition of their home.

**2 Background**

- 2.1 Tenants who are required to be moved due to work taking place to their home fall into two categories;

- i) Home Loss - where tenants are permanently rehoused.
- ii) Decant - where tenants are temporarily moved before returning to their home.

- 2.2 Home Loss payment (currently £1500) is statutory compensation paid to tenants (with a minimum of one year's tenancy) who are permanently and compulsorily moved due to Improvement, Redevelopment or Demolition. Tenants with tenancies of less than one year have no statutory right to receive a Home Loss payment although the Council can make a home loss payment at its discretion.

- 2.3 All tenants suffering home loss can also receive a discretionary disturbance payment towards reasonable expenses incurred when moving.

- 2.4 Decanted tenants who are temporarily moved have no legal entitlement to payments, any decant allowances paid are discretionary.

- 2.5 Currently the Council employ a specialist contractor to carry out removals. There are only a small number of home loss or decants each year (average 5) but some are planned for next year in Aberchirder, Macduff and Mintlaw.

- 2.6 The Council can take repossession action against tenants who refuse to move if the work cannot be done while the tenant lives there (Housing (Scotland) Act 2001 Schedule 2 Part 1 (10)).

- 2.7 Tenants have no legal right to remain in a temporary decant property and must return to their original home (Housing (Scotland) Act 2001 Section 16(6b)).

- 2.8 The Council can legitimately deduct from Home Loss, Disturbance payments and Decant Allowances any outstanding amounts due for rent arrears or other housing debts.

### 3 Discussion

- 3.1 The Council will only move tenants where it is impractical for them to remain in their home while work is being carried out. Tenants' health and safety is also a major consideration when deciding whether a move is required.. Tenants should not lose out financially for the cost of moving therefore the Council will pay for all reasonable expenses incurred.
- 3.2 The Council will offer tenants affected by Home Loss alternative accommodation that meets their housing needs and where possible is similar to the property they currently occupy. Tenants moved due to Home Loss will be given a reasonable offer of alternative accommodation with similar Rent and Council Tax charges.
- 3.3 The Council will try to decant tenants into a similar size of property. Tenants who are decanted should not be financially disadvantaged if temporarily decanted into a property with a higher Rent and/or Council Tax charge.
- 3.4 The Council will minimise disruption to tenants by decanting them as close to their own home as possible. The preferred type of temporary decant accommodation for tenants are:
- i) part furnished Council properties
  - ii) flats and guest rooms in Sheltered Housing (where appropriate)
  - iii) mobile homes
  - iv) hotel accommodation

### 4 Proposals

- 4.1 The Council will arrange for and pay for the expense of moving tenants due to Home Loss or Decanting unless tenants wish to make their own arrangements.
- 4.2 Tenants with a tenancy of less than one year who have a Scottish Secure Tenancy should also receive a discretionary payment equal to the statutory Home Loss allowance.
- 4.3 Tenants who wish to make their own arrangements to move due to Home Loss can, in addition to the statutory home loss pay of £1500, receive an Allowance to cover all the costs of moving. The proposed allowances are:
- One bedroom £ 560
  - Two bedrooms £ 655
  - Three bedrooms £ 750
  - Four bedrooms and larger £ 845
- 4.4 Tenants who wish to make their own Decant arrangements can receive an allowance to cover the costs of 2 moves, that is, to move to their temporary property and to return to their permanent home. The proposed allowances are:
- One bedroom £ 1360
  - Two bedrooms £ 1550
  - Three bedrooms £ 1740

Four bedrooms and larger £ 1930

- 4.5 Tenants who are decanted into a Council property will pay the lesser amount when comparing the Rent charge of the decant property to the Rent for their permanent home.
- 4.6 Any additional charge to tenants for Council Tax due to decanting into a Council property will be met by Housing.
- 4.7 The Council will try to resolve matters amicably if tenants refuse to move. The Council will only take legal action to evict a tenant where other approaches have failed.

## **5 Area Implications**

- 5.1 There are no Area implications from this report.

## **6 Policy Implications**

- 6.1 It is a change in Policy to offer tenants the choice of arranging their own removals and receiving an allowance.

## **7 Staffing Implications**

- 7.1 The existing staffing establishment will carry out the Home Loss and Decant process.

## **8 Financial Implications**

- 8.1 Payment of an allowance to tenants is a change in Policy. However, the overall costs will be no more than if the Council had carried out the removal.
- 8.2 Housing will meet the additional cost to tenants of being decanted into a Council property with a higher Rent and/or Council Tax.

## **9 Sustainability Implications**

- 9.1 There are no sustainability implications arising from this report.

## **10 Consultations**

The Tenants' Estate Management Working Group, Section 95 Finance Officer and the Monitoring Officer within Corporate Services have been consulted during the preparation of this report and their comments incorporated.

**11 Recommendations**

**The Social Work and Housing Committee are recommended to agree to:-**

- 1 Payment of home loss allowance (currently £1,500) to Tenants with less than 1 year of tenancy, equivalent to the statutory amount if they are required to move permanently.**
- 2 Offering tenants a Home Loss removal allowance to those who carry out their own removal:**
  - One bedroom £ 560**
  - Two bedrooms £ 655**
  - Three bedrooms £ 750**
  - Four bedrooms and larger £ 845**
- 3 Offering tenants a Decant Allowance to those who carry out their own removal**
  - One bedroom £ 1360**
  - Two bedrooms £ 1550**
  - Three bedrooms £ 1740**
  - Four bedrooms and larger £ 1930**
- 4 Ensure that tenants who are decanted into a Council property pay no more than their current Rent and Council Tax.**
- 5 Remit to the Director of Housing & Social Work to review the level of allowances annually in line with inflation.**