



## LEEDS JEWISH HOUSING ASSOCIATION DECANT POLICY

### 1. Introduction

Leeds Jewish Housing Association (LJHA) recognises that occasions do arise when it has to permanently relocate individuals or groups of its residents. Decants are usually necessary when a property is in need of major repairs work or needs to be refurbished or modernised. Decants are also necessary when a property needs to be rebuilt or disposed of to enable effective asset.

When a permanent decant is necessary LJHA will assist in a fair and equitable manner all those tenants who lose their homes as the result of approved redevelopment plans.

### 2. Definitions

#### Decanting

This is a legal definition used to explain the process where residents are required to move from their homes, due to the reasons stated in the introduction above, or an authority with compulsory purchase powers has redevelopment plans for their home. These plans may involve demolition or major repair or improvement to the property (resulting in a significant change of character to the property, e.g. building an extra room) and will require the resident to move out, either temporarily or permanently, for the works to be completed. This does not include residents moving due to transfers, mutual exchanges or choosing to end their tenancy.

#### Emergency Decant

Where an unexpected event has caused a property to become uninhabitable, in most cases, we will contact the relevant local authority. In accordance with the law, local authorities have a duty to re-house any person who is homeless because their property is uninhabitable. Other options include:

- Staying with friends or relatives
- Staying in B&B or hotel accommodation (board only) at LJHA expense

#### Temporary Decant

Accommodation provided by the local authority may only be very short term and may not be fit for purpose for a longer term decant. Where the property provided by the local authority is not suitable for the household's needs on a longer term basis, we would follow the decant procedure to re-house the residents into alternative temporary accommodation for the period of the works. Options include:

- Staying in B&B or hotel accommodation (board only) at LJHA's expense

- Staying with friends or relatives
- Temporary decant to an alternative LJHA property

### Permanent Decant

In some situations, where major redevelopment work is being undertaken, a property may be demolished or significantly altered. Where this is the case, the residents would be permanently decanted. This would result in a new letting. We will provide suitable alternative accommodation for a permanent move and work with the resident to meet their requirements and preferences, where possible.

Where a resident holds an Assured Shorthold Tenancy, LJHA is not obligated to permanently rehouse the resident. However, we would work with the Local Authority to provide advice and support.

### **3. Permanent Decant Properties**

When determining what size property to offer a tenant who is being permanently decanted their needs will be assessed by LJHA. Tenants will generally get offers of a property that is the same size and type as they currently occupy providing this is suitable for their needs. However, if they are “under occupying” the tenant may be allocated a unit that is smaller than they currently occupy. If they are currently overcrowded, they will be made an offer of a larger unit wherever possible.

In the event a tenant refuses 2 offers of suitable accommodation, LJHA will be deemed to have fulfilled its obligations towards that tenant and no further offers will be made. If the tenant feels that the offers were not in fact reasonable, they will have the right of appeal.

### **4. Home Loss and Disturbance Payments**

This policy establishes statutory payments being made to residents. Payments will fall into two categories:

- Statutory Payments (Disturbance Payments)
- Statutory Payments (Home Loss Payments)

All payments including those made at the discretion of LJHA may be offset, wholly or partly, against debts owed to LJHA.

**Home Loss Allowance:** will only usually be paid for permanent moves, where certain criteria are met, these are:

- the tenant must have occupied the property as their sole or main residence for a period of one year prior to the date of displacement
- the move must be permanent
- the tenant must be a general needs assured (not assured shorthold) or secure tenant

The current amount as stipulated by the Government is £6,300 (from 1st October 2018).

**Disturbance Allowance:** For Disturbance Allowance, the resident need not have lived in the property for 12 months but has to be the tenant at the time of the decision to decant. The basis of the Disturbance Allowance is to ensure the resident(s) is not financially out of pocket due to the move.

Disturbance payments are also payable to compensate tenants for the actual expenses associated with moving. The amount will vary for individuals but all reasonable costs associated with moving will be met by LJHA and not the tenant. For the sake of clarity and transparency, Disturbance Payments will be made in accordance with a prepared schedule.

Removals will be carried out in the most cost effective way, avoiding unnecessary expense to the Association whilst ensuring that tenant's satisfaction remains paramount.

## **5. Communication**

LJHA recognise that moving home is a stressful time in people's lives and when told to move as a result of decanting may increase their levels of stress. LJHA endeavour to offer a personalised approach that considers the individual needs of their residents and will ensure that appropriate support is given based on resident's needs.

Information and updates will be provided in written form as well as in person. If residents have specific support needs these will be considered and communication methods adjusted where possible to meet these needs. E.g. different language, visual impairment etc.