



**Havering**  
LONDON BOROUGH

# **HAVERING COUNCIL'S HOUSING REGENERATION PROGRAMME**

## **HOUSING REGENERATION PACK**

### **(3) Regeneration Decant Policy & Possession Procedure**

This document provides information on the implementation of the decant procedure and the obtaining of Court Orders for possession in advance of the start of housing regeneration works.

## 1. APPLICATION OF POLICY

- 1.1. This policy applies to all secure and introductory Council tenants who will lose their home on either a temporary or permanent basis as a result of the Council's Housing Regeneration Programme.
- 1.2. The following sites have been identified as part of this Programme, although properties or estates may be removed or added to the Programme as it progresses:

<b>Site</b>	<b>Total Number of Affected Units*</b>
1. Waterloo Road Estate	285
2. Napier House and New Plymouth Estate	98
3. Maygreen Crescent and Park Lane Estate	93
4. Oldchurch Gardens Estate	84
5. Chippenham Rd, Farnham Rd and Hilldene Ave	57
6. Queen Street Sheltered Housing Scheme	31
7. Maygreen Crescent and Park Lane Sheltered Housing Scheme	40
8. Solar, Serena, Sunrise Court Sheltered Housing Scheme	55
9. Brunswick Court Sheltered Housing Scheme	47
10. Dell Court Sheltered Housing Scheme	29
11. Royal Jubilee Court Sheltered Housing Scheme	79
12. Delderfield House Sheltered Housing Scheme	14
13. Delta TMO	60
14. Bridge Close	37
<b>TOTAL</b>	<b>1009</b>

*\* The total number of affected units is an estimated figure (as at September 2017). It includes Council tenanted dwellings, leasehold and freehold properties. This estimate is constantly changing as the letting and buy-back of properties takes place.*

- 1.3. Full details of the re-housing options for Council tenants are set out in the Housing Regeneration Programme Local Lettings Plan.
- 1.4. This policy does not apply to Leaseholders or Freeholder owners who will be able to access a dedicated resource to help them through this process and to complete a claim for compensation and Home Loss Payment
- 1.5. This policy does not apply to non-secure tenants living in temporary accommodation provided by the Council under its homelessness or homelessness prevention duties under Part VII Housing Act 1996 or Homelessness Reduction Act 2017 who will be assisted by the Council's Housing Advice and Homelessness Service.
- 1.6. This policy does not apply to private tenants occupying affected properties who will be given advice and assistance by our Housing Advice and Homelessness Team, if necessary, to find alternative privately rented accommodation. Private tenants must make a formal application to the Housing Demand Service for assistance. If they do make such an application, they will be assessed in the usual way, in accordance with homelessness legislation and Government codes of guidance.

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## **2. PHASED DECANT PROCESS**

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- 2.1. Council tenants who need to be decanted from their homes permanently as a result of the Council's Housing Regeneration Programme will be moved in a planned way.
- 2.2. Each development will have its own phased plan and timetable which will impact and influence the re-housing options available to Council Tenants. For example, it may mean that on some sites where regeneration or development occurs that this will happen in Phases with some blocks being demolished before others.

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## **3. TENANTS RETURNING TO NEW-BUILD PROPERTIES**

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- 3.1. Although there is no legal requirement for the Council to give Council tenants the option to return to the redeveloped site, we are committed to helping those that wish to remain in the area or return to the renewal estate to do so, wherever possible.
- 3.2. Existing secure (& introductory) Council tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their Estate before they are made available to any other applicants, subject to housing need.

- 3.3. For tenants who have chosen to return to one of the new-build properties, the construction phasing of the regeneration programme may mean that tenants are unable to move directly into a new home on the same site or Scheme as new units may not be ready until later in the redevelopment process.
- 3.4. In these circumstances tenants will have the choice to move to another home temporarily until the new-build property is ready or to move to another Council home permanently.
- 3.5. On other schemes where demolition and construction happen in separate phases, we expect that some tenants in the latter phases will have access to new homes from earlier phases and will not require temporary re-housing. Please also note that not all redeveloped sites or schemes will offer sheltered housing schemes.

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#### **4. PROCESS FOR ALLOCATION OF ALTERNATIVE HOUSING**

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- 4.1. Once Decant Status is authorised, Council tenants will be placed in the **Emergency Rehousing Band** on a phased basis and will receive up to **two direct offers** of alternative housing.
- 4.2. If the second offer is unreasonably refused then a further offer of accommodation will only be considered in exceptional circumstances, and the Council may commence proceedings for possession immediately.

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#### **5. SECURITY OF TENURE WHILST IN TEMPORARY ACCOMMODATION**

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- 5.1. Tenants occupying temporary accommodation will not be returning to their former homes due to their demolition as part of the regeneration programme. Tenants moved into temporary accommodation will be provided with the same security of tenure in this instance that they had at their original home either as a lifetime or flexible fixed term tenant. The tenancy will however will include a provision that the property is provided as temporary accommodation and requiring the temporary tenant to move to the permanent accommodation once this becomes available.

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#### **6. SECURITY OF TENURE IN PERMANENT ACCOMMODATION**

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- 6.1. When tenants are moved permanently to alternative accommodation they will take on a new tenancy, with their original tenancy status, either secure lifetime or secure fixed term/flexible tenancy depending on the original terms of their tenancy.

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## 7. NOTICES OF SEEKING POSSESSION

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- 7.1. The Housing Act 1985 requires that the Council serve Notices of Seeking Possession upon tenants prior to seeking possession for the purposes of housing regeneration and development.
- 7.2. The Council will rely upon Ground 10 Schedule 2 Housing Act 1985 which provides that it is a ground for possession where:

***“The landlord intends, within a reasonable time of obtaining possession of the dwelling-house—***

***(a) to demolish or reconstruct the building or part of the building comprising the dwelling-house, or***

***(b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling-house, and cannot reasonably do so without obtaining possession of the dwelling-house.”***

- 7.3. Depending upon the development scheme, the Council may also rely upon Ground 10A:

***“The dwelling-house is in an area which is the subject of a redevelopment scheme approved by the Secretary of State or the Regulator of Social Housing or Scottish Homes in accordance with Part V of this Schedule and the landlord intends within a reasonable time of obtaining possession to dispose of the dwelling-house in accordance with the scheme”***

- 7.4. It is anticipated that Notices of Seeking Possession will be served up to 12 months' prior to the Council requiring possession to commence the redevelopment.
- 7.5. If there are other breaches of tenancy, then other Grounds for Possession may be included in the Notice.

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## 8. COURT POSSESSION ORDERS

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- 8.1. In order to ensure the smooth hand-over of the site to the Council's development partners to commence demolition and construction on time, the Council will commence possession proceedings against Council tenants up to 12 months' prior to requiring vacant possession.

- 8.2. Possession claims will be issued against all Council tenants on a site-by-site basis. It is likely that at the time that possession claims are commenced, not all Council tenants will have received their direct offers.
- 8.3. Possession Orders which are obtained against secure tenants will not be enforced until such time that the tenant has received the offers to which they are entitled.

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## **10. COURT COSTS**

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- 9.1. The Council will not seek to recover any Court or legal costs in respect of the decanting process against tenants.
- 9.2. However, where a tenant files and serves a formal Defence which results in the possession claim being adjourned to another date or on directions for trial, then the Council may apply to the Court for its legal costs from the tenant.

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## **10. DOWNSIZING**

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- 10.1. If a tenant chooses to move in to a smaller property that meets their Housing needs as part of the Housing Regeneration Programme, they will be entitled to a downsizing payment in accordance with the Council's current Downsizing Policy for any subsequent room given back to the Housing Service

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## **11. HOME LOSS PAYMENTS AND DISTURBANCE COMPENSATION**

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- 11.1. Tenants who are decanted for works may be entitled to statutory Home Loss or Disturbance payments. Further information will be provided by the Council in its published Housing Regeneration Programme information.

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## **12. THE TENANT'S RESPONSIBILITIES DURING DECANTING**

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- 12.1. Where a tenant is decanted, they will be expected to pack up all their belongings: a free packing service can be provided upon request.
- 12.2. Tenants must ensure that they have taken steps to ensure that their fridges and freezers are cleaned, having been emptied and defrosted, if necessary, before the removal company is due to arrive.

- 12.3. If the tenant is being transferred to alternative accommodation, they will be responsible for clearing their belongings from the property and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation to the value of them. The cost of clearance and disposal of any items will be recharged to the tenant.
- 12.4. The tenant is required to provide access to contractors, as necessary. They must also take responsibility for their own fixtures and fittings or DIY improvements, unless the property is to be demolished, in which case they must sign a disclaimer stating that they do not require any compensation for the loss of these items. There will be a pre-void visit where such items will be identified and the tenant informed about the work that is required before they move out. Failure to undertake such work could result in the tenant being recharged, in accordance with the appropriate policy.
- 12.5. The tenant is expected to make other members of their household aware of the decant arrangements and to move on the agreed date. In addition, they must make appropriate arrangements for any pets and ensure they are not abandoned in the property after they have moved out.
- 12.6. If the household has home contents or other insurance, the tenant is advised to notify their insurance company about the change of address.
- 12.7. Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken.

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### **13. VULNERABLE TENANTS**

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- 13.1. Where we deem a tenant incapable of being able to facilitate the removal and storage of curtains and carpets for themselves (where the tenant is vulnerable), and if it is reasonable to assume that the carpets in the existing property will be damaged during the works in any room, these will be lifted and stored by a nominated contractor. Following completion of the works, the contractor nominated by Housing Services will arrange to re-lay them. *Liability for the damage to the carpets will remain with the contractor.*
- 13.2. In such instances, we will nominate a contractor to remove all curtains that it is reasonable to expect will be affected by the works and make arrangements for storage.
- 13.3. The liability for damage during storage in respect of the curtains and carpets will rest with the nominated contractor's insurers.

- 13.4. Tenants who are capable of doing this themselves will be expected to do so and we will not be offering any removal, storage or re-fit service except where a tenant is vulnerable.
- 13.5. The Council will cultivate the garden of the decanted property to a reasonable standard if it becomes overgrown during the period it is empty, where the tenant is incapable of doing this for themselves because they are vulnerable. This will be done before the tenant moves back in. Where there is no vulnerability on the part of the tenant, this remains the responsibility of the tenant and we will not be offering this assistance.

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## **14. MONITORING AND REVIEW**

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- 14.1. This policy will be reviewed in three years from the date it has been published and will be reviewed by the lead officer sponsoring this policy.

Housing Services

25 September 2017