

# Decant

## Housing Management policy 8

Keniston Housing Association

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### **INTRODUCTION**

Keniston recognises that occasions do arise when it has to temporarily or 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 management, in line with Keniston's Asset Management Strategy.

We know that decants can be disruptive and difficult for residents. We will ensure that:

- Residents are consulted about decants.
- We provide residents with clear information and keep them informed throughout the decant process.
- Residents' needs are considered regarding alternative accommodation.
- We comply with the Land Compensation Act 1973 when making home loss and disturbance payments.

### **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. 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 to 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:**

This is where a resident has to move due to an emergency (for example in the event of a fire or flooding) We will support them in making an application to the Local Authority's Homeless Person's Unit for temporary accommodation while we carry out repairs. 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 (room only) at Keniston's expense.

#### **Temporary decant:**

This is where repairs are needed that cannot be undertaken whilst the resident is in occupation. The resident will usually return to their home once the repairs are complete (unless the works are scheduled to take longer than 6 months - see permanent moves below).

If a resident stays with family / friends while we carry out the repairs, they will be entitled to receive compensation (please refer to our Compensation Policy).

If a resident cannot stay with family / friends, we will make a direct offer of accommodation, or make hotel / B&B arrangements. If a resident chooses to make their own hotel / B&B arrangements, the cost of the accommodation must be reasonable and agreed with us in advance.

**Permanent Decant:**

In some situations, where major redevelopment work is being undertaken, a property may be demolished or significantly altered, meaning that the tenant cannot return in the future. This is known as a permanent decant. This would result in a new letting. We will provide suitable alternative accommodation and work with the resident to meet their requirements and preferences, where possible. In some circumstances, Keniston may not have suitable alternative accommodation for their needs and if this is the case, we will work with the Local Authority to assist in rehousing.

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

**Permanent moves: leaseholders**

We will buy out a leaseholder's stake in the property at market value and pay compensation (see our Compensation Policy) so the leaseholder can buy or rent on the open market.

Type of move	Duration	Reason for move	Type of accommodation
Emergency	1 – 14 days	Immediate risk to H&S	Hotel or B&B, Local Authority property, staying with friends of relatives
Temporary	14 days+	Responsive repair or planned refurbishment works	B&B or vacant Keniston property, staying with friends of relatives
Permanent	Not returning to original property	Refurbishment, demolition or resale of property.	Keniston property or Local Authority property

**WHAT RESIDENTS CAN EXPECT**

It will be Keniston's aim to meet the resident's housing requirements as far as possible. We aim, but cannot guarantee, to re-house people temporarily to another property as close to their permanent home as possible.

If a resident moves temporarily, they will continue to pay the rent at their permanent home. Where this is to a property with fewer rooms than their substantive home, they may be entitled to a reduction. If a resident moves permanently, they will pay the rent due at the new home. Please note that the rent at a new home can be more than at the previous home.

In some cases, tenants who have been decanted temporarily may wish to remain in their temporary home. Keniston will consider such requests but cannot guarantee this option.

### **Right to return**

The resident has no automatic right to return to the property being permanently decanted. However, we are committed to keeping communities together where possible. Whether a resident can return depends on a number of factors, including if the property will be the same size after redevelopment, and the views of the Local Authority.

If the resident has been in the new property for more than 12 months and accepts the right to return to an equivalent property, this second move does not constitute a decant and therefore there is no entitlement to a further home loss payment. We will pay all agreed reasonable expenses for the second move.

### **Refusals**

We will work with residents as much as possible when a decant is needed. However, if a resident refuses to move when a decant is necessary, we will take legal action to require this to happen. We will always ensure we make at least one reasonable offer of accommodation before going to court. We will try to make an offer as near to a resident's criteria as possible, however the options available depend on the properties we have available at the time.

### **COMPENSATION ENTITLEMENT**

When people are decanted, Keniston will pay for the following:

#### **Removal expenses (excluding the cost of packing)**

Two estimates will be required, and the lowest will be accepted, unless extraordinary circumstances when the highest may be agreed by the Association. If residents wish they may choose to move themselves and not employ a removal company. In such cases, they would receive a non-negotiable payment which is the reasonable cost of hiring a removal vehicle and any fuel incurred and is an incentive amount provided it doesn't exceed the cost of a professional removal firm.

#### **Service disconnection and reconnection**

For example, gas, electric, telephone, satellite dishes.

Cost of necessary storage of furniture and effects and redirection of mail.

#### **Provision of window dressings and flooring where necessary in temporary property**

Two estimates will be required, and the lowest will be accepted, unless extraordinary circumstances when the highest may be agreed by the Association.

**Other temporary decant payments:**

- If a resident has been temporarily decanted to a property with fewer bedrooms or they lose access to another room, they can apply for compensation in line with our Compensation Policy.
- If a resident stays at a hotel/B&B they are entitled to food allowance. If they stay with friends or family, they are eligible for some allowances. The payments are set out in our Compensation Policy.

If a tenant is decanted for a short period where alternative accommodation is not available or not appropriate, the Association will pay for reasonable hotel costs.

**Rent charges and arrears:**

Where we provide alternative accommodation on a temporary basis, the resident will still be responsible for the rent & service charge for their original (permanent) property. The rent and service charge for the alternative accommodation will be set to zero. Where the temporary accommodation has fewer bedrooms than the original property, residents may be entitled to a reduction in rent. Where alternative accommodation is provided by the Local Authority, residents should pay the rent there. Keniston will support an application for any benefits they are entitled to, to cover the rent at the original property. Where there is no benefit entitlement, the substantive property rent will be set to zero.

Where we require a resident with arrears to move permanently, the statutory home loss payment will be used to offset any outstanding money owed to Keniston.

This policy is governed by legislation, the key Acts are: -

- Land Compensation Act 1973
- Planning & Compensation Act 1991

Approved at the Management Team Meeting held on 16 January 2024

Next Review due: January 2029