Disabled Facilities Grant Policy, Private Sector Housing Enforcement Policy and Tenant Harassment and Illegal Eviction Policy

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WHAT BENEFITS WILL THESE PROPOSALS BRING TO THE COPELAND RESIDENTS

DISABLED FACILITIES GRANT POLICY

Copeland Borough Council has the statutory duty to provide mandatory grants to meet the care and mobility needs of people with disabilities in the Borough. This new policy will support this and will not only be an essential tool of guidance for the Private Sector team to follow, but will also strengthen working with our external partners.

TENANT HARASSMENT & ILLEGAL EVICTION POLICY

Harassment can be anything a landlord does, or fails to do, that makes you feel unsafe in the property or forces you to leave. It is a crime to allow a landlord to illegally evict a tenant. The aim of this policy is to encourage best practice by working more closely with tenants and landlords.

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

The private sector housing enforcement policy demonstrates the legal duty we have to deal with substandard housing. The private sector housing service sets out to maintain and improve the housing conditions in all privately owned residential accommodation in the borough. In particular, to ensure residents living in privately rented property in Copeland live in healthy and safe surroundings. Where informal advice, assistance and information fail and it is necessary to protect the health, safety and welfare of residents, the necessary enforcement action will be taken.
RECOMMENDATIONS:

DISABLED FACILITIES GRANT POLICY

Following on from the Overview and Scrutiny Committee and the Executive, this report considers a recommendation that Council considers and adopts the Disabled Facilities Grant Policy set out in Appendix A to the report.

TENANT HARASSMENT & ILLEGAL EVICTION POLICY

This report considers a recommendation from the Overview and Scrutiny Committee and the Executive that Council approves the Tenant Harassment and Illegal Eviction Policy set out in Appendix C to the report.

PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

This report considers a recommendation from the Overview and Scrutiny Committee and the Executive that the Council approves the Private Housing Enforcement Policy set out in Appendix B to the report.

1. DISABLED FACILITIES GRANTS

1. INTRODUCTION

1.1 The Housing Grants, Construction and Regeneration Act 1996 (as amended) is the main piece of legislation governing the administration of Disabled Facilities Grants (DFG’s).

1.2 Disabled Facilities Grants are available to homeowners, owners of qualifying houseboats, owners of qualifying park homes, tenants of private landlords and tenants of housing associations. Grants are also available for adaptations to the common parts of buildings containing one or more flats.

1.3 The Council has a duty to all within the borough, but works closely with housing associations in the area to make sure that they can assist their tenants to remain in their own homes and that they have policies and funds to complement the work of the council in regard to adaptations or relocation.
PROPOSALS
COPELAND BOROUGH COUNCILS POSITION
1.4 The Council will aim to ensure that the overall budget for DFG work will be distributed based on need in the borough and will annually review expenditure and this policy aims to ensure that it meets needs.

ELIGIBLE GRANT WORKS
1.5 The Council shall seek to ensure that advice provided to anyone making an enquiry about adaptations stresses the need for all of the available options to be carefully explored, rather than simply discussing ‘how to get a DFG’.

1.6 In order that the Council can make decisions about eligibility; about the help it can give and, if the client is eligible for a grant, about the works which are most appropriate, we need to gather and consider a range of information. In addition to the Occupational Therapist recommendations (their referral) we shall also need to take account of the following;

1. Eligibility for a DFG is set by legislation;
2. The works being necessary and appropriate; and
3. The works being reasonable and practicable.

CONCLUSION
1.7 This Policy will ensure that the Council will carry out and follow all relevant statutory duties to allow an assessment of need and deliver efficient and quality services to disabled people, including adapting property or facilitating relocation.

2. TENANT HARASSMENT & ILLEGAL EVICTION

INTRODUCTION
What is illegal eviction?
2.1. Illegal or unlawful eviction is when the landlord, the landlord’s agent or someone acting on their behalf, unlawfully deprives a tenant of all or part of the home or where any other person forces or attempts to force a tenant to leave the accommodation without following the correct legal procedure and serving the proper notice(s) under the relevant Housing Acts.

2.2 The Council is ultimately responsible for ensuring that any case of illegal eviction and/or harassment will be investigated and where appropriate, will take any necessary action including prosecution.

The Council will deal with cases of:-
1. Unlawful eviction of tenants by private and registered social landlords or people acting on their behalf.
2. Threatened unlawful evictions of tenants by private and registered social landlord tenants or people acting on their behalf.
3. Serious cases of harassment of tenants by their landlord or people acting on their behalf. Serious could be violence, threats of violence, abusive, discriminatory, aggressive or intimidating behaviour.
4. Disconnection of essential services (water, gas, electricity) by the landlord or person acting on their behalf.
5. Cases of harassment where the tenant(s) involved may be vulnerable e.g. elderly tenants, tenants with mental or physical health problems.
6. Cases of racial, sexual or other discriminatory issue.

2.3 There are a small number of private landlords or their agents with properties in Copeland who do not conduct themselves within the requirements of the legislation relating to private rented accommodation. These landlords sometimes resort to using illegal eviction and/or harassment to force tenants to leave their properties. Illegal eviction can normally be prevented through mediation with the landlord, however, there are occasions when the landlord continues to harass or even illegally evict a tenant despite advice and information that they may be committing a criminal offence.

2.4 The Council provides a range of assistance to help landlords comply with their legal responsibilities when asking a tenant to vacate their properties including providing landlords with relevant advice and landlord forums.

2.5 Harassment and illegal eviction can cause considerable distress and anxiety to households and may lead to homelessness. The Council will therefore take a proactive stance against illegal eviction and/or harassment and offer support, advice and assistance to residents in this situation including taking appropriate action to help tenants regain occupancy of their home. The Council will prosecute landlords or their agents where it is deemed appropriate to do so.

2.6 Harassment and illegal eviction occur and disrupt households in the Borough, in some cases this leads to homelessness. The policy sets out the Councils approach to tackling tenant harassment and illegal eviction.

PROPOSAL
2.7 Illegal Eviction and Harassment are criminal offences and the maximum penalty in a Crown Court is an unlimited fine and two years’ imprisonment. The Council will encourage best practice within the rented sector by working closely with individual landlords, landlord groups and letting agents by providing information and support.

2.8 This will be done in a variety of means, landlord forums, arranging training events for landlords on the right way to evict a tenant, advice and information booklets for landlords and tenants.
2.9 The Council will also take a proactive approach to supporting the rights of residents and tenants in relation to illegal eviction and/or harassment. This will include taking appropriate action to help the tenant regain entry to their home and the possible prosecution of any person, organisation or agency who are acting illegally.

CONCLUSION
2.10 The Council has a legal responsibility to ensure that any cases of illegal tenant eviction and harassment will be investigated and where appropriate, will take any necessary action including prosecution.

3. PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

INTRODUCTION
3.1 The private housing enforcement policy has been developed to ensure housing within the private rented sector is maintained or improved. The policy sets out the approach to enforcement so people understand how they will be dealt with by the Council.

What is enforcement action?
3.2 Enforcement means an action carried out in exercise of or against the background of statutory enforcement powers. This is not limited to formal enforcement action such as prosecution or service of legal notices. It includes inspections or investigations related to property and any relevant person where the purpose is checking compliance with legislation or to give advice to help comply with the law.

Enforcement Objectives
3.3 Enforcement action will be carried out with the objectives to ensure that;

- Symptoms arising from empty homes are tackled to ensure the amenity of the area is not affected, the property is safe and secure and not causing a statutory nuisance.
- Tenants of a private landlord or a registered provider of social housing (RP) live in homes free of actionable hazards which affect their health and safety privately rented housing including Houses of Multiple Occupation (HMO’s), are managed in accordance with any relevant statutory regulations or other legal requirements.
- All licensable HMO’s are licensed and licence conditions are met.
- The private housing service meets the Council’s statutory duties which it is responsible for.

PROPOSAL
Aims of the policy
3.4 The aim of the policy is to set out the legal responsibilities, policies, principles and priorities that the Private Sector Housing Service will follow when enforcing legislation.

- Help to provide healthier and safer private rented housing.
• Increase public confidence in the quality of accommodation leading to a vibrant private rented sector in Copeland.
• Raise the profile and increase transparency of enforcement in the private rented sector.

CONCLUSION
Summary and Recommendations
3.5 The Private Sector Housing service sets out to maintain and improve the housing conditions in all privately owned residential accommodation in the borough. In particular, to ensure residents living in privately rented property in Copeland live in healthy and safe surroundings. Where informal advice, assistance and information fail and it is necessary to protect the health, safety and welfare of residents, the necessary enforcement action will be taken. The attached policy sets out the Service’s approach to enforcement so that people understand how they will be dealt with by the Council.

3.6 This report considers a recommendation from the Overview and Scrutiny Committee that the Executive consider and recommend the private housing enforcement policy to Council for approval.

4. STATUTORY OFFICER COMMENTS

4.1 Legal comments are: The Policies refer to legislation as appropriate and necessary. The Tenant Harassment and Legal Eviction Policy will require amendment once those parts of the Housing and Planning Act 2016 relating to rogue landlords and property agents come into force.

4.2 Financial comments are: Financial implications are covered in the body of the report and the policy.

4.43 EIA Comments: The housing policies and strategy of the Council are assessed against our equality scheme commitments and an EIA is in place.

4.4 Policy Framework: The Council sets out in its corporate strategy our commitment to residents in using our regulatory framework and powers and our social inclusion policy ensures we focus on vulnerable residents and housing need.

4.6 Other consultee comments, if any: With all policies we undertake engagement and consultation with housing partnership partners as appropriate to the policy.

5. WHAT MEASURABLE OUTCOMES OR OUTPUTS WILL ARISE FROM THIS REPORT?

5.1 The Better Care Act 2014 has created changes in the information retained to look at future delivery. More recording will allow the Private Sector Team to look at what
adaptations are required and search for other avenues of delivery. As the recording is countywide, we will be able to compare our results against other local authorities. The Council looks to ensure the DFG budget will be distributed to those in most need.

5.2 The Council has never measured the number of unlawful illegal tenant evictions, yet under the legislation we have a legal duty to protect those in need. This policy will be reviewed every three years or earlier should parts of the Housing and Planning Act 2016 come into force to ensure it meets its aims and objectives and compliments the priorities contained within the Council’s Housing Strategy.

5.3 With regard to housing enforcement the objective of having this policy is to give people a better understanding of how housing enforcement will be carried out and ensure the wellbeing of residents in the Borough.

List of Appendices

Appendix A - Disabled Facilities Grant Policy
Appendix B – Private Sector Housing Enforcement Policy
Appendix C – Tenant Harassment and Illegal Eviction Policy